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E. R. BROW

Charlottetown

AUTOMOBILE TRIAL AT SUMMERSIDE

The case of John Taylor, on behalf of the Automobile Association of Prince County, against W. K. Rogers of Charlottetown, for running an automobile in Summerside on the 17th, came up for hearing before Stipendiary Wright, at Summerside on Friday. Mr. Rogers appeared and pleaded "Not Guilty."

Mr. Saunders acting for the Automobile Association and the Plaintiff, Mr. Taylor asked to have the information amended to read as follows: "Did unlawfully operate a motor vehicle on Sunday, contrary to the provisions of the Statute of this province in such case made and provided?"

Mr. Rogers stated that he was appearing with counsel and wished to make a statement in the court and upon being sworn told the following story of the trip.

He said that on Sunday the 17th of September he was met by Lieut. Murphy of the Siege Battery who told him there was a man at large they were anxious to capture and that he was in the western part of the island, at or near Tignish and he (Murphy) asked me if I would furnish a car to take an officer and men to capture this man. He assured me that it was an urgent case and told me that Col. Jenkins was the man who had to move in the matter and the Militia Department would take all responsibility. I told Murphy that if it was an urgent matter and properly authorized by the Militia Authorities that I would take them in order to get this man. Murphy was to call me as soon as he had again seen Col. Jenkins and shortly after he did call me, assuring me that he had just been talking to Col. Jenkins and that what he told me at first still stood; that the Militia Department would assume all responsibility, as Col. Jenkins is a responsible officer ever to do with the fire. Mr. Rogers agreed to do when we left Charlottetown there was in the car Lieut. Murphy, two gunners, Mr. Rice, (whom I took for mechanic in case we had any trouble with the car), Mr. Sterns, and myself. We drove from Charlottetown to Summerside and thence to Tignish and succeeded in capturing the man we were after shortly after midnight and returned him to where he belonged on Monday morning. Mr. Rogers admitted the running and operating of the car on the roads as set forth in the summons.

Mr. Rogers then gave a lengthy explanation of how, shortly after the war broke out in 1914, the Military officers of the province, finding that there was a lot of work to be done by the use of the automobile, called a number of the automobile owners together and arranged for a number of cars to be used by the officers for "Military Duty" and this car No. 31 was one of the cars voted with such authority. He produced the certificate which shows that "Car No. 31 owned by W. K. Rogers is assigned for military duty" said certificate being signed by Col. Ings and Allen. Mr. Rogers explained that when a car was running on "Military Duty" that it was always under the orders of one or more officers and that he had never attempted to go out unless asked by and accompanied by officers.

In his statement Mr. Rogers told of a number of trips he had taken on instructions from Military officers as well as trips taken by other cars. He said that as far as he was concerned he had never gone off a road in violation of the law, except when accompanied by an officer.

Under cross-examination by Mr. Saunders he stated that the certificate was issued in 1914 and was to cover any part of the province when called upon by an officer. He said that in this case when Murphy asked him where the authority would come from and he stated that Col. Jenkins was the officer moving in the matter, Mr. Rogers stated that he questioned Mr. Murphy if the case was urgent and he assured him that it was. Mr. Rogers stated that when he undertook this trip he had no other idea in mind but that it was on "Military Service." He stated that he left Charlottetown about 2.20 and arrived at Summerside about 4.20, a distance of thirty-eight miles, that they stopped on the way for every ten miles. After stopping at Summerside for about forty minutes, they got gasoline, they started for Tignish, on the way stopping at Elmsdale, that they went to the deserter's home about five or six miles west of Elmsdale, arriving there about 8.00, and did not find their man home, from there they went to Tignish in order to get something to eat and a supply of gasoline. Mr. Rogers stated that they were at Tignish for about two hours and that while there did not have any of the citizens of that place out driving in his car.

Questioned as regards the fire at Tignish the previous night Mr. Rogers stated that he was an insurance agent but that the trip had nothing what- ever to do with the fire, he said that the first he heard of the fire was near Elmsdale they smelled smoke, Lieut. Murphy spoke up and said that his father lost a warehouse by fire last night. He said that after leaving the car in front of the hotel he walked over to where the fire had been, Senator Murphy having asked him to do so, and that he was not adjusting any insurance. He stated that his companies had \$50,000 insurance on the burnt building, but that he did not go into the matter at all, that a man had been sent up to adjust the loss.

Of the return trip Mr. Rogers stated that they left Tignish on return shortly after midnight going through the Dock Road to the home of the man they were after, he stated that arriving there they found the house in darkness and just after they arrived a team drove into the yard, Lieut. Murphy and his men went over to it and I heard the man say, "Oh, all right, I will go back." I think he said that before any of the men spoke to him, he told me he thought it was an auto coming when he saw the lights and he (Elmsworth) thought it was the auto he held the lottery ticket for and that they were bringing it up to him. Mr. Rogers stated that it was after two o'clock when they left there having to repair a broken spring and that they went to Charlottetown by way of St. Eleonors and Tignish. He stated that first stop, except when they met a couple of teams, was at Hunter River where they arrived about 6.00 a. m. After a lunch they went to the Sanatorium where they delivered their man and from there to Charlottetown, arriving there about 8 a. m.

Lieut. A. B. Murphy (sworn) stated that Col. Jenkins came to the barracks about 4.30 Saturday evening and informed us that there was a man, a soldier named Jos. Elmsworth, who had left the Sanatorium without leave and that he was anxious to get him back again, we talked the matter over and it was partially decided to send an officer and escort after him on Monday morning's train. On Sunday morning about nine o'clock Col. Jenkins came by again and told us that it was suspected that this man would leave the island on Monday morning, was "skipping out" as he expressed it. I think one of the officers suggested that we go after him with a car and I seconded the suggestion. Col. Jenkins then turned to Col. Peake and asked him what he thought of the suggestion, Col. Peake thought it would be all right and the only way we could get him, Col. Jenkins then asked me if I would go and I said yes; Jenkins then said he would phone me after the parade and give all the details in the meantime. I spoke to Col. Peake and told him that Jenkins gave authority to take escorts consisting of two gunners from the Battery and get the man, while we were talking about it we were asked who we could get to go. Mr. Stern's name was mentioned as also was that of Mr. Rogers. On my way down to dinner I met Mr. Rogers and asked him if I would make the trip, he seemed rather dubious about going and wanted to know by what authority we were going and a number of other questions.

I assured that it was by military authority we were going and told him that I was going to speak to Col. Jenkins and would phone him later what the word was. After I got to the hotel I called Jenkins and he told me to go and that he would take the responsibility, I then called Mr. Rogers and told him and he told me to be ready at 2 p. m.

Lieut. Murphy then told of the trip to Tignish, which was practically as detailed by Mr. Rogers in his statement. Lieut. Murphy described the way in which they secured the man they were after how that when found he was quite willing to go back to the Sanatorium with them.

Under cross-examination by Mr. Saunders, Lieut. Murphy stated that Mr. Rogers did not apparently know anything about the fire, at Tignish, until he told him when they were near Elmsdale. He stated that the man, Elmsworth, was a member of the 105th Battalion and that he had been in the Sanatorium, as far as he knew for some time, that he (Murphy) did not know what condition the man was in other than what Col. Jenkins had said that this man was in a critical state and that it was injurious to him to leave the Sanatorium at the present time. He said that on the trip they met a number of horses and that when they did so one of the men would always get out of the car and go to the horses' head, one fellow told them to leave his horse alone asking them if they didn't think we had never saw an "auto."

Lieut. Murphy said that while they were in Tignish he did not see any person driving about in their car and as far as he knew no member of his family were driving in the car while there, he said that he did not know if Mr. Rogers was discussing insurance business with his father or not, he saw him go into the store with his father and heard father complain about the fire, he (father) asked Mr. Rogers if he thought a fire-bug was after him.

He stated that when they had met Elmsworth he asked him about his leaving the Sanatorium and he said that he had asked for permission to leave for a few days, that it was refused and that he took "French" leave going back to some farmer's house and when the train came along bought his ticket for Elmsdale. This made the matter all the more serious for after asking for permission and not getting it would be a bad example for the other men to leave the island so soon. Lieut. Murphy said that the expenses of the trip were paid by the Military authorities and that Col. Jenkins had asked him for the amount of the expenses.

Mr. Rogers here stated that on Monday after the trip Col. Jenkins called him on the "phone and asked me to furnish him with my bill of expenses for the trip but that case as he has not as yet furnished him with the bill asked for. He told the court that the auto owners had made it a rule since the war broke out to render these services to the country without charge and that as far as he knew no charge had ever been made by any car owner for service in rendering or any other work, and the fact that Col. Jenkins asked him to furnish a bill went to show that he (Jenkins) must have considered the case as an urgent one.

The court then adjourned until yesterday when the case was resumed. Yesterday at 4 o'clock the case was resumed and the evidence of Col. Jenkins taken, after which the case was adjourned on application of Mr. Saunders, till Friday morning.—C.

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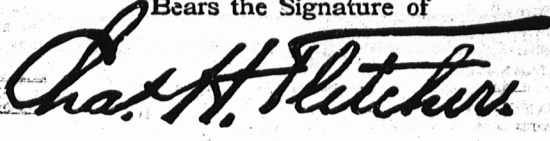
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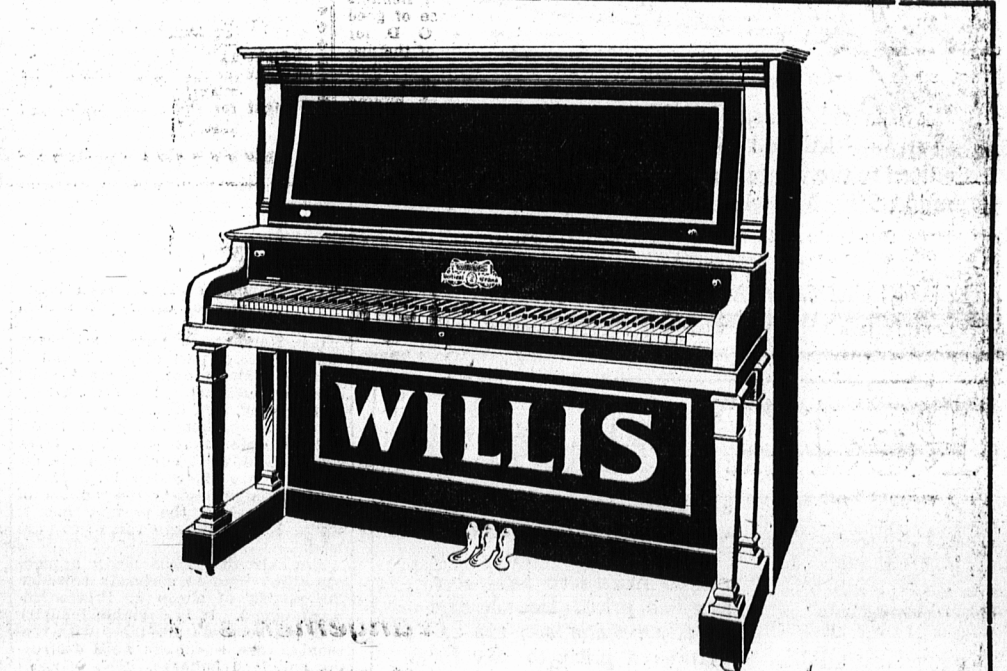
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