

E' MER O'CONNOR IS FOUND

(Continued from page 8)

went to get Finley MacKenzie. He met Hugh MacPherson and asked him to go to Angus Matheson's at Glen William to phone the police. He then went on to Finley's. He and Finley went back to his home and Angus Matheson arrived and they went over to Sam MacPherson's and from there to McGowan's at Kilmuir to call the police. He said he saw O'Connor on the road coming from Sam MacPherson's, but did not talk with him. Later, he said, they met him on the road above William MacKenzie's. O'Connor, he said, talked with Angus Matheson, and that O'Connor said that he had put up with a lot from William MacKenzie for the last two years. The witness said that he also cast up to him that he had been going to see his (O'Connor's) wife. After this they went to MacKenzie's and the Mounties had arrived. He could not say that O'Connor was drunk nor did he smell liquor off him. He said he was 71 years of age and that MacKenzie weighed about 160 lbs.

On cross examination he said that William MacKenzie had been working for him on that day. He stated that he never saw MacKenzie in a bad temper but that he had a reputation for a bad temper in the district.

Angus Matheson, Glen William, said that he saw Nell MacPherson at his (MacPherson's) home that night. He said that he saw O'Connor coming from Sam MacPherson's in his truck, and later saw him again at William MacKenzie's gate. He said that O'Connor stated that he had about all he could put up with from MacPherson for the past two years. The witness told O'Connor that he would have to get a doctor for MacKenzie. O'Connor said he would also have to get a doctor for himself. The witness said that O'Connor cast up to Nell MacPherson that he had been going to see his wife. The witness and Nell MacPherson then continued on to McGowan's to phone police.

On cross examination he said that when he saw O'Connor he knew that MacKenzie had been hurt since he had been previously told. He asked O'Connor what had been the trouble. He said that O'Connor had a cut on the head, and that he had not drunk.

BROTHER TESTIFIES
Finley MacKenzie, Glen Martin, said he was the brother of the deceased, and that he lived one mile east of William. He knew O'Connor, he said, and saw him at his home that night. O'Connor was there for about ten minutes.

On cross examination he said that he worked in Kinkora on June 18, and left there with O'Connor and a Mr. Reid on Saturday, June 18. They went to Borden, he said, where they bought some gin. O'Connor, he said, also bought some. They went to Charlottetown, did some drinking there, then he, O'Connor and Stewart hired a taxi to come to Montague. At Montague they went to the home of Harry

Stewart, and later he and O'Connor went to Cardigan where each got some more gin. They came to Stewart's where they had a few more drinks, and O'Connor left Stewart's between 5 and 5.30. On cross examination he said that he had no trouble getting along with O'Connor. He said that O'Connor's truck had been left at his home in Whim Road during the past week, and when he got home the truck was gone.

Joseph Vuozzo, Montague said that he saw O'Connor on June 18 in front of Clark's Store, and that O'Connor asked him to drive him to Whim Road. The witness said he took him to the home of Alfred Moore, where O'Connor got his truck. The truck would not start, he said, so he pushed the truck for some distance, and when it still did not start he left and came home.

On cross examination he said that O'Connor was at the wheel of the truck.

STOPPED ON HIGHWAY
Const. William A. Wilson, R.C.M.P., Charlottetown, stated that he was a member of the highway patrol and that on the night of June 18 he was patrolling Montague-Murray River. He said he saw a truck driving fast towards Murray River and crowding the centre of the road. He turned and followed, he said, and signalled the truck to stop. The truck was registered in the name of Elmer O'Connor. He said that O'Connor told him the brakes were bad and that the witness said he could smell liquor. He said that O'Connor's hands were covered with blood and that there was a cut on his head.

He said that he asked what had happened and O'Connor told him that he had a fight with his wife's uncle and was struck with an axe and was on his way to the doctor. Mr. MacKenzie's condition was not discussed, the witness said. He said that O'Connor again had trouble starting the truck and that he gave him a push. The time was 9.30 P.M. On cross examination the witness said that O'Connor appeared to be normal and could detect slight odor of liquor from O'Connor when he was in the police car. He said he made no further check on the alleged fight.

The case for the prosecution was here closed.

ATTORNEY GENERAL
With the defense not presenting any witnesses, the Premier and Attorney General, A. W. Matheson addressed the jury, he congratulated the jury on their attention and on having such a fine sense of their responsibilities.

He went on to discuss the law of murder, and defined culpable homicide, saying that it occurs where a person who causes death means to cause death, or means to cause him bodily harm, that he knows is likely to cause death, and is reckless whether death ensues or not. The Crown and witnesses, he said, endeavored to give the story of what happened so that the jury could form a true opinion of the case. He congratulated Crown prosecutor Nicholson on his presentation of the case for the Crown.

In reviewing the case he said the accused had gone to his wife's home at MacKenzie's and had a quarrel with her. He then got in a fight with MacKenzie and it continued to the gate, there the axe was thrown and the accused had cut on the eye and one in the back of the head. The Attorney General said that considering all the blood on the clothing of the accused it would be up to them to decide where it all came from. He said that MacKenzie had been knocked down in the yard and near the

in hitting MacKenzie since it was self defense. That it was not murder or manslaughter. That the accused was justified in repelling force with force.

Mr. Bell then read the sections dealing with self defense, saying that everyone who is unlawfully assaulted without having provoked the assault is justified in repelling force by force if the force he uses is not intended to cause death or grievous bodily harm and is no more than is necessary to enable him to defend himself. And also that everyone who is unlawfully assaulted and who causes grievous bodily harm or death in repelling the assault is justified if he causes it under reasonable apprehension of death or grievous bodily harm from the violence with which the assault was originally made or with which the assailant pursues his purpose, and he believes on reasonable grounds that he otherwise cannot preserve himself from death or grievous bodily harm.

O'Connor, he said, did not start the fight with MacKenzie. MacKenzie interfered in the argument between O'Connor and his wife. When the fight was under way O'Connor "beat it" to the road and MacKenzie followed with the axe, he said, and he tried to defend himself. He continued by saying that if O'Connor had struck more than one blow with the stake then there should have been blood on the stake, but the truth was that there was no blood on the stake as determined by the laboratory expert. This indicated that there was no more assault than was necessary to repel the attack, he said. He termed the happening as no crime but a misadventure.

CHARGE TO JURY
In his charge to the jury Judge

Mr. Bell read a portion of the statement where O'Connor stated that he had only entered the house when he and his wife got into an argument, and then MacKenzie came in and they got into a fight, which was carried out into the yard and down to the gate. He said, followed the accused to the gate and struck him with the axe. The accused had picked up a stick to defend himself.

Mr. MacPherson's story, Mr. Bell said, related that Mr. MacKenzie threw the axe. O'Connor was undefended when MacKenzie was coming after him, Mr. Bell stated. He continued that O'Connor did not hide or hide anything concerning the case. O'Connor went to MacPherson's he said, to get help and later went back to MacKenzie's to carry him into the house, and then he went for a doctor. These are not the actions of a murderer, he said, but rather the actions of a man who wants to help.

In discussing MacKenzie's temper he said that Mrs. MacPherson had said that she had heard of him flying into a temper. Also that Nell MacPherson had said that MacKenzie had a temper. He contended that the accused was justified

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McGuigan told the jury that they were the judge of the facts, but that they must take the law from the presiding judge. He went on to explain homicide and what constituted murder. He also said that culpable homicide that otherwise would be murder may be reduced to manslaughter if the person who committed it did so in the heat of passion by sudden provocation. It was his opinion, he said, that there was sufficient evidence to reduce the charge to manslaughter.

The defense claimed self defense, he said, and then he read and explained the law on self defense. He told the jury that the accused was entitled to an acquittal if justification for self defense was shown. The judge was of the opinion that several blows had been struck, but that this was a fact for the jury to decide. He said they could bring in any one of three verdicts, guilty of murder, guilty of manslaughter, or not guilty.

The jury then retired to bring in the above verdict.

ANNUAL MEETING
The postponed Annual Meeting of the Alberton Curling Club will be held in the club room Friday evening, Nov. 11th at 7.30.

J. H. MYRICK,
Secy.-Treas.

Photographers
THE READ STUDIO
D. W. SEARS

REMEMBRANCE DAY PARADE
KENSINGTON, P. E. I.

All Ex-Service and Service Personnel and members of the Canadian Legion B.E.S.L. are requested to attend—Parade will form up at Legion Hall at 9:45 A.M. Church Services will be at 10 A.M. Short service and laying of wreaths at Memorial Monument at 11 A.M.

AFTERNOON
There will be a short service and laying of wreaths at Malpeque Memorial Monument at 2:30 p.m., and at Springbrook Memorial Monument at 3:00 P.M.

Everyone cordially invited to attend. All Veterans and Legion Members; also parents and widows of Veterans killed on active service, are invited to attend a banquet in the Kensington Legion Home at 7 p.m. that evening. Please procure tickets for the banquet beforehand if possible.

ATTENTION
FUEL OIL AND STOVE OIL CONSUMERS
BORDEN AREA
Irving Oil Co. Ltd. will be making a fuel and stove oil deliveries regularly in Borden on Tuesdays and Fridays. Please leave your order with Mrs. Sharpe at the Telephone Office at Borden.
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REGENT Today ... 3:30 - 7:15 - 9:10
Thursday ... 7:15 - 9:10

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3 Shows Each Night at 6, 8 and 10
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Plan Junior Sea Cadet Corps Band For S'ide

Officers of the Summerside Sea Cadet Corps are seen above with 19 new band instruments which arrived on Monday evening. The band will be organized by a Junior Sea Cadet Corps band which will be organized to provide replacements for the Cadet band whose musical accomplishments have been improving steadily since its organization two years ago.

The present band has 26 instruments, and with the junior band the two are combined, will comprise a band of 45 members. Next year it is expected that the band will take two months musical training at Sydney where the senior band has been for the past two summers, and the senior

band next year is expected to provide the band that will be used at the naval base at Hamilton, Ontario.

Each year a few of the boys in the senior band reach the maximum age limit of 19 years, and their ranks will be filled by members from the junior band, thus assuring the continuation of a band in Summerside for many years to come.

Musical instruction for the junior members will be provided by Gabriel Chiasson, bandmaster in the senior band, who is a music teacher at Summerside High School.

Standing behind the new band instruments some of which are seen

Sudden Death of Harry W. Green

Word has been received of the sudden passing of Mr. Harry W. Green of Chatham, Ontario who while driving to his home after a visit with his family in Detroit, suffered a heart attack in his automobile and died before help arrived.

The late Mr. Green was born in Tignish and is survived by his wife, the former Florence Palmer of Roseville, Prince Edward Island and three daughters all of whom live in Chatham. Mr. Sydney T. Green of this City is a brother.

The following girls were initiated: Valerie Bowness, Elizabeth Caseley, Cousins, Elizabeth Davison, Valerie Ellis, Donna Jean Hickox, Sandra Howard, Phyllis Millar, Leta Moase, Mariene MacEwen, Marilyn MacKay, Norma Ramsay, Sandra Tuplin.

The closing worship service held in the sanctuary of the church, was by Mrs. Donald MacKenzie who was led by girls representing the several groups present.

The Explorer program is Christ-centered and church-centred and is planned to meet the needs, interests, and abilities of nine, ten and eleven year olds. The term "Explorer" signifies that the junior is a seeker exploring the world about him.

Just as early explorers were guided by the north star and the compass, so junior "Explorers" have the Bible and Jesus as their guides revealing God to them.

Before the closing worship, Mrs. Sabeen conducted the ceremony for the initiation service of the Kensington Explorers, and their counselor, Mrs. L.M. Murray presented them with purpose cards and

French River Area Enjoys "Know Your Red Cross"

Residents of French River and all the surrounding districts showed keen interest in the Red Cross speakers, entertainers and demonstrators on Monday evening, November 7th.

Mr. Bruce MacLaren's bag pipes selection was the first item on a well balanced program. Mr. Dick Turpin and Mr. Alan Dunbar provided several gay interludes.

Mr. Edwin Johnstone, president of the P.E.I. Red Cross and Miss Iphigene Arsenault, commissioner gave verbal pictures of the work of the Society on a Provincial, national and international level.

Rev. M. D. Dunbar, chairman of swimming and water safety services in his remarks made special mention of Master Gerald Meek who through presence of mind and by training received from a swimming and water safety course, was able to save himself from a tragic accident.

Dr. A. J. Murchison, chairman of first aid services expressed the society's appreciation of the fine volunteer work carried on by the first aid post attendants in this area. They are Mrs. Waldron Duggan, R. N. French River, Mrs. W. M. Pickering, R. N. Seaview, and Mrs. John MacLeod, Graham's Road.

Dr. Murchison also commented on the two standard first aid classes. The Irishtown class with Mrs. Pauline LeClair as instructor has twenty-one members and the Springbrook class taught by Mrs. H. S. MacEwen has reported 17 men and women enrolled.

PERSONALS

Friends of Mr. Russell Perry will be sorry to learn of his illness at his home in Tignish and wish him a quick return to good health.

Mr. and Mrs. Colin W. Burt, Mrs. Ruth Hatley and Mrs. Marybelle Carr of Kensington, P. E. I., were recent visitors to Charlottetown the past week.

Mr. and Mrs. Fred Folland and son Barry of Kensington were recent visitors to Charlottetown on Wednesday Nov. 2, where Barry had rays taken. They were also visitors of Mr. and Mrs. R. D. MacFadyen and son Ralph of Hunter River, P. E. I.

ALBERTON

Mr. and Mrs. Arthur E. Linnell left Alberton yesterday for their home in Malden, Mass. After spending the weekend with Mr. and Mrs. Vernon Campbell. Returning they were accompanied by Mrs. Linnell's mother, Mrs. Garnett Campbell, who will spend the winter with them.

Pts. Kenneth Millman is spending a leave at the home of his parents, Mr. and Mrs. Edward Millman, Alberton, following eighteen months overseas service with the Princess Patricia Canadian Light Infantry in Germany.

Mrs. Hunter Weeks returned to her home in Alberton Monday evening after spending a month with her sister, Miss L. M. Call and her brother, Mr. James Call in Norton, Mass.

Mr. and Mrs. J. W. D. Campbell, Alberton have as their guests this week Mr. and Mrs. Donald Crawford and Mrs. Alfred Davenport of Natick, Mass., and Mrs. George Schlemmer, R. I.

The Presbyterian Ladies Aid held its November meeting at the home of Mrs. F. J. Carpenter, Alberton. Opening devotions were led by Mrs. Alfred MacLeod. Plans were made for a party to be held Nov. 19th. It was decided to have a social evening in connection with the next meeting which will be at the home of Mrs. Howard Clark with Mrs. Edgar Forsyth leading the devotions.

POLLUTION STREAM FINED \$15

A party from the Freetown area, charged under the Fisheries Act with polluting a stream frequented by fish, was found guilty and fined \$15.00 and costs in county magistrate's court, Summerside yesterday, Magistrate R. S. Hinton, Q.C. presiding.

A similar case against another party from the same area was dismissed.

The charges resulted from the pollution of a section of the Wilmot River caused by seepage into the water of chemicals mixed nearby for spraying purposes.

Mr. Norman MacLeod, fisheries officer prosecuted.

The case of a party from Summerside charged with possession of liquor not covered by a permit was adjourned.

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NOTICE
LOADING NEXT WEEK
NO. 1 SMALL TABLE STOCK.
V. F. WEBSTER
CARLETON
Wednesday and Thursday, November 9th and 10th
"ANGEL FACE"
With Robert Mitchell and Jean Simmons.
Show Time 8:30.

"CAMEO"
KENSINGTON
Wed. - Thur. 7:15 - 9:15.
"SO THIS IS PARIS."
Starring Tony Curtis, Gloria De Haven, Gene Nelson. Bank drawing Thursday worth possible \$40.

WESTERN GUARDIAN

SEE THE "Smiling Bill" show at Malpeque Hall, Wednesday evening 8:30. Sale of cakes, candy.

CHICKEN AND HAM SUPPER at Mark's Hall, Kensington, Nov. 9, at 4:30 p.m. Sponsored by Ladies Presbyterian Church.

DANCE in Hamilton Hall, Wednesday, November 9th. Music by Ervin Deighan and Sunshine Boys.

REGULAR THURSDAY night home Canadian Legion Home, Charlottetown. Music by Ervin Deighan and Sunshine Boys. Admission 50 cents.

COMMUNITY Credit Union regular meeting at 8:00 p.m. Wednesday, November 9th. In St. Mark's Hall, Summerside, visitors welcome.

HERE WILL BE a meeting of the Kensington Rink Wednesday, November 9th at 8:00 p.m. for all those wishing to enter senior or junior hockey team in Kensington Rink for the coming season.

NOVEMBER RASPBERRIES — Mr. Joseph Clough, King Street, Summerside, has large red raspberries growing in his garden. They were picked this week were brought in to the Guardian newsstand at Charlottetown on Tuesday morning.

ENGAGEMENT — Mr. and Mrs. Ferguson Dymont announce the engagement of their daughter, Norma Jean to Mr. Bruce Millar, son of Mr. and Mrs. Leigh Millar, Poplar Grove, P.E.I. The marriage will take place on Nov. 11 at 3 p.m. in Tyne Valley United Church.

PROMOTED OVERSEAS — Two former Edward Islanders, both stationed at the RCAF's No. 3 Station Wing, Zweibrücken, Germany, got a boost in rank when they were promoted to sergeant. The promotion board was announced by Air Division officials recently. Corporal S. M. Pound of Charlottetown became a sergeant. Leading Aircraftman, J.F.L. Perry, son of Mrs. J. Perry of Tignish, moved to the rank of corporal.

HURRICANE AID — Miss Wanda Watt, Summerside, national coordinator for the Independent Order of Daughters of the Empire on P.E.I. received the information that the national executive of the I.O.E. is in session in Toronto, at present. It was voted unanimously to send \$100.00 for the relief of the islands of the British West Indies that met devastation during hurricane "Betty". The national president, Mrs. Lawrence B. Smart stated that B.W.I. police reports showed nearly 20,000 people had been made homeless and more than 8,000 were completely destroyed or rendered uninhabitable.

PIONEER DAYS

It is set out for home, feeling much happier. Several times the boy was obliged to stop long enough to exchange fresh chips for burned out ones. Once while carrying this live coal rolled perky, he saw a patch of ice which melted easily by quick-acting. Soon he was speeding along the narrow great path, the freeze causing his precious coal to shine like the evening star.

With a contented sigh, Dannie took the coal on the dried fuel, in no time at all the Stewart's were eating their porridge as if nothing out of the ordinary had taken place.