

THE EASTERN GUARDIAN

AGENTS:—MONTAGUE: Harold F. Landry, Mrs. Byron Stewart, Mrs. Bruce MacPhee, Miss Joyce Wigginton, Plus McKinnon. AGENT GEORGETOWN: Walden Lavers.

The Guardian may be bought at the following places in Montague: Miss Dome Restaurant, and Guardian Office; in Georgetown: The Post Office; in Souris: The Snack Bar and H. Richards & Son.

*IMPORTANT— Big auction, Yeo's Theatre, December 3rd, 8 p. m.

Miss Phyllis MacPherson, Summerside, spent the week-end at her home in Montague.

Mr. and Mrs. Don Adams, Summerside, were week-end guests of Mrs. Adams' parents, Mr. and Mrs. Howard Vickerson, Montague.

*Mrs. Richard Llewellyn returned to her home in Montague after a pleasant week spent with her sister, Mrs. Finley, in Charlottetown.

ST. DAVID'S W. A.

*The monthly meeting of St. David's W. A. took place on November 13th at the home of Mrs. Malcolm MacLean, Georgetown, with sixteen members present.

The treasurer reported the recent bazaar very successful. A total sum of \$241.00 was realized. The excellent co-operation of all workers was greatly appreciated and added materially to the efficiency and success of the undertaking.

A wreath was laid by the Association at the Georgetown Memorial on Remembrance Day. The sick committee reported four visits made during the month.

The W. A. has paid the first premium for insurance on the new Church hall, and have committed themselves to the purchase of the two new stoves required.

A special meeting is to take place in the hall to decide details of the new kitchen.

The next regular meeting which is also the annual meeting, will take place at the home of Mrs. H. MacDonald. The collection for the evening amounted to \$225. A social half-hour followed, when the hostesses served a delicious lunch.

H. J. Mabon R. O.

Optometrist. Eyes Examined. Fitting and Supplying Glasses, etc.

Office Hours: 10 to 12 A.M. 2 to 5 P.M. and by appointment. Office Connected with Mabon Drug Co. Montague, P. E. I.

Murray Harbour and Vicinity

*Friends of Mr. Milton Llewellyn are sorry to hear he is a patient in the P. E. I. Hospital. All wish him a speedy recovery.

Miss Joan Nicholson of Milltown Cross, was a recent weekend visitor to Murray Harbour North, guest of Mr. and Mrs. Donnie Kennedy.

The many friends of Mr. John Hicken, Oak Valley, are sorry to hear he is ill and all join in wishing him an early return to health.

Mr. William Millar, Summerside was the weekend guest of his parents, Mr. and Mrs. Harry Millar.

Mr. and Mrs. Donnie Kennedy were recent visitors to Halifax, N. S.

Friends of Mrs. Milton Llewellyn were sorry to hear of her recent illness and wish for her a speedy recovery.

Mr. and Mrs. Lloyd Reid and children, Norman and Barry spent the weekend of November 29th in Charlottetown, guests of Mrs. Reid's sister and brother-in-law, Mr. and Mrs. Art Ramsay. —A.O.

St. Andrew's Young Women's Guild Holds Annual Meeting

*The annual meeting of the Young Women's Guild of St. Andrew's Presbyterian Church, Montague, was held Monday evening at the home of Mrs. S. D. Reid, and was conducted by the president, Mrs. Leland Nelson.

The meeting opened with the hymn "O Come, All Ye Faithful," followed by the scripture read by Mrs. Lorne Johnston, and prayer by Mrs. Reid.

The minutes of the last regular meeting and the last annual meeting were read by the secretary, Mrs. Malcolm MacKenzie, and were approved as read.

Mrs. MacKenzie reported for the visiting committee, and Mrs. Watworth for the committee in charge of purchasing a piano for the church hall. The chairman of the nominating committee, Mrs. Byron Stewart, presented a slate of officers for the term as follows: president, Mrs. Leland Nelson (re-elected); vice-president, Mrs. Malcolm MacKenzie; secretary, Mrs. Wellington Campbell; treasurer, Miss Thelma Larter (re-elected); executive, Mrs. Albert Fraser; auditors, Mrs. S. D. Reid, Mrs. James Shaw.

New business included plans for holding a sale of fancy work before Christmas. Mrs. MacKenzie was appointed as convener of this sale. Extensive plans were also discussed regarding decorating the church and church hall for the annual Sunday School concert. On motion it was decided that the guild would solicit home made candy for the children's treat following the concert.

Roll call was answered by twelve members. The financial report was read by the treasurer, Miss Larter. Three baby sweaters, two pairs mitts and one apron were handed in.

The meeting closed with the hymn "Angels From the Realms of Glory" and the Mizpah Benediction. At the close of the meeting, a delicious lunch was served by the hostess, assisted by Mrs. Shaw and Mrs. F. N. Young.

WASHINGTON, Nov. 27 — (Reuters) — Sir Oliver Franks, Britain's retiring ambassador to the United States, called at the White House Wednesday to bid farewell to President Truman. He sails on the Queen Elizabeth on Friday for England after serving as ambassador here since 1948.

LOGY, LISTLESS, OUT OF LOVE WITH LIFE?

Then wake up your liver bile... jump out of bed rarin' to go. Life not worth living? It may be the liver! It's a fact! If your liver bile is not flowing freely your food may not digest... gas bloats up your stomach... you feel constipated and all the fun and sparkle go out of life. That's when you need mild, gentle Carter's Little Liver Pills. You see Carter's help stimulate your liver bile till once again it is pouring out at a rate of up to two pints a day into your digestive tract. This should fix you right up, make you feel that happy days are here again. So don't stay sunk, get Carter's Little Liver Pills. Always have them on hand. Only 35c from any druggist.

Accused Gives Evidence At Preliminary Hearing On Manslaughter Charge

The preliminary hearing on a charge of manslaughter against John Knox MacDonald, Kilmuir, was adjourned for decision until December 16 by Magistrate Joseph W. MacDonald at the Georgetown Court House yesterday evening.

The case arose out of the death of Basil Beaton, who was killed when he fell or jumped from a car driven by Mr. MacDonald on the evening of October 29 last. The car had left the road near MacPherson's Pond and the rear door, open, had hit a tree. Mr. Beaton apparently fell through the door or had opened it to jump clear of the car.

Two defence witnesses were heard and Mr. H. F. McPhee, Q.C., then moved for dismissal of the charge on the grounds that the Crown had produced insufficient evidence to substantiate it. The court then heard the closing summation of both the defence counsel, Mr. S. S. Hessian, Q.C., appearing for the Crown.

Ordered by the magistrate to stand the accused was then read the statutory warning before being asked if he wished to make a statement. Mr. MacDonald replied, "I intend to give evidence. It is true I was driving the car at the time of the accident."

He told the court he was 47 years old, unmarried, and lived with his sister in Kilmuir. He owns a 1951 Ford sedan with 8,400 miles on it. The morning of the accident he was working about his home when two friends, Beaton and MacPherson, called. They talked for a while and then treated him to a drink of rum. The purpose of their call was to discuss the desired lengths of some lumber being cut for the accused.

The accused then had eaten his dinner and in the early afternoon drove to Montague. He went to the barber shop for a haircut and started to drive to the lot where the men were cutting the wood. It was about half a mile from his home and after picking up a sweater he had left previously he drove away.

By the home of William MacPherson he saw the car and thought they might be there so went into the house. He had a drink there about 2 o'clock. Those were the only drinks he had all day. The group comprising MacPherson, Basil Beaton, Preston Beaton and Gordon MacDonald, talked for a couple of hours and then all got into MacDonald's car to go to the pond to see if there were any ducks.

He drove on the Heatherdale Road to the junction with the County Line Road where he turned right for a short distance and stopped. He had intended to walk to the pond but the bushes were so thick and wet he decided against it. He drove a short distance to a point where part of the dam could be seen from the road. There were no ducks and the party started again.

The witness said that from the MacPherson's Bridge the road slopes upward. It is an unpaved road and was greasy.

Describes Accident He crossed the bridge and drove up the hill. Just over the top the car skidded to the left and as he turned it skidded sharply to the right and drove over the low bank on the side of the road. There were some trees along the side. The car could not pull it back without striking the tree so he kept it going to the right of the tree. After passing the tree he swung it around to get back on the road. When passing the tree he heard a crash and felt a jolt.

Preston Beaton shouted to him to stop and get out of the car. He did so and went back. At the time of the skidding he was driving about 40 miles per hour. Gordon MacDonald and Preston Beaton were in the front seat with him while Basil Beaton and MacPherson were in the back seat. As the car left the road he felt someone put a hand on his shoulder.

While they were examining the injured man for a pulse Mr. Douglas McGowan, Montague, drove along and stopped. It was decided to take Beaton to a hospital and the group carried him to the McGowan car. However, it was found that he would have to be driven to too much and he was returned to his original position.

Police Notified The witness said he told McGowan to get a doctor. This was done and Dr. McIntyre arrived about a half hour later. He said the man was dead so Mr. MacDonald asked Mr. McGowan to notify the police.

While waiting he had gone to the nearby home of Eric MacPherson to wash blood on his face from a forehead injury. He went in McGowan's car but walked back through the fields. He crossed a low fence by jumping over it and came down a bank. He testified that he was quite sober.

He later went back to MacPherson's and on his return to the scene in McGowan's car the R. C. M. P. was present. He got out of the car in which he was riding and the Police asked him to go to their car. Prior to that time he had been talking to Rev. Mr. Fraser, Valleyfield. He walked to the police car three steps behind the R. C. M. P. and was taken to Georgetown jail. He said he asked why he was arrested and was told it was because they could smell liquor from him.

He suggested that he be taken to a doctor for a blood test. This was not followed up. Mr. MacDonald told of the damage suffered by his car in the accident and said the handle had been off the left front door for several months. The left rear door had been working perfectly with it opening.

Cross-Examined Cross-examined by Crown counsel he told the court he had very little conversation with William MacPherson, also arrested, and heard the latter say it was too bad when he fell or jumped from the car. He also denied making a remark that he had been blinded by truck lights. There was no truck. He had applied his brakes lightly when the skid started but the car had gone over the slight bank into a plowed field, his tree trunk ended, completing the semi-truck to almost get back on the road.

Mr. MacDonald denied the police evidence given previously that he was staggering and did not know why only he and MacPherson had been arrested. There was practically no drain on the right side of the road where they left it, only a slight depression of about four inches and only a slight rise in the bank.

He was re-examined by Mr. McPhee on conclusion of Mr. Hessian's cross-examination on the latter points and photographs taken at the time were produced to clarify the position. Mr. Fraser's Evidence The only other defence witness called was a surprise one when Mr. McPhee called Rev. Archibald Campbell Fraser, pastor of the Valleyfield-Orwell charge for the United Church. He said he had been there since 1948 and the accused was a member of his congregation.

He had seen MacDonald the evening of the accident as he was en route home when he passed the scene of the accident. He was not positive of the exact time, but he did not have his lights on. He saw two men standing by the side of the road and he stopped. K. MacDonald came over and drove down to speak to him. He drives a small English make Ford. He enquired the particulars of the accident and MacDonald told him what had happened. He recognized the other man as Douglas McGowan. He also saw the driver later spoken to by Dr. Inman, the coroner, and then left before the police came.

Questioned by Mr. McPhee regarding alcohol the minister said, "I can say he wasn't drunk." He was not staggering and his speech was perfect "though as I would expect there was a note of sorrow." He did not get any odor of liquor although MacDonald was quite near. The roads that day were soft and slippery in places. Mr. Hessian rose and joked with the witness for a minute or two, but did not cross-examine him.

Moves For Dismissal Mr. McPhee then rose and moved for dismissal of the charge as there was no evidence to justify a conviction. He said he was prepared to go ahead with argument if the court wished to hear it at that time. Magistrate MacDonald suggested he continue.

The attorney for the defence, who has associated with him Mr. Malcolm MacKinnon, Q.C., reminded the court that when after the evidence is in the magistrate deems it to be of such a nature as to convict it is his duty to dismiss the charge. He submitted that there was no evidence of any kind here on which a jury would convict.

To sustain a charge of manslaughter, he stated, there must be established evidence of criminal negligence. The Crown must establish gross negligence, meaning a reckless disregard for the lives of others. He added that all witnesses with any knowledge of the case had been called and said that both Crown and defence witnesses alike had told straightforward stories.

Conflict of Testimony He mentioned the conflict in testimony on the question of drunkenness and staggering and said that the taking of two drinks by the accused had been admitted, but they had been taken hours before. He said the odor might remain but that odor was not evidence of intoxication. He was critical of the police claim of intoxication and reminded the court of the testimony of Rev. Fraser who had been on the scene shortly after the accident. He thought it was significant that nothing had been done about the request of accused for a blood test.

He did not believe the court could overlook the "overwhelming" evidence that accused was sober and there was only police evidence to the contrary. Regarding the speed at which the car was being driven he believed speed should depend on the amount of traffic encountered. There was no suggestion of negligence he said when the car skidded as he said this was a common occurrence on the clay roads of the Island.

It was the car door being wide open which caused the trouble, and he suggested that it was opened as the deceased tried to jump out in fear that the car was going to hit the tree.

Crown Counsel Sums Up Mr. Hessian in his address expressed the opinion that the case should go to the jury where settlement one way or the other would end the matter forever. He said such a procedure is the privilege of people living in this country to be tried by their peers and pointed out that there were many countries where trial was a summary affair.

He told paid tribute to the honesty of the witnesses who had been heard. However, he maintained that there was strong evidence of intoxication of the accused and noted that some witnesses could not say for sure one way or the other.

Magistrate MacDonald expressed the thanks of the court to witnesses and counsel. He said that Crown Counsel had a big job to do and that counsel for the defence had a tremendous responsibility. He then stated that "by necessity" the hearing would be adjourned for two weeks to December 16.

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Inquest Completed

(Continued from page 1) ed to the home of Mr. Eugene Dunn. They remained there for a considerable period, and later they left accompanied by Mr. Gerald Dunn. They came to Montague and had something to eat at the restaurant. They met the two young ladies and agreed to meet them at the hospital to take them to the dance at Millview. Mr. Cecil Naddy drove the truck to the hall at Millview, but on the return trip, Miss MacKinnon was driving. He said he remembered when the truck left the road and struck the bank and also when it rolled over, but could not remember anything after that, although he could seem to recall gas spilling over him, and that the dome light of the truck had come on. He seemed, he said, to be lying down on the hood of the cab, where he could see liquid gas coming from the dome light. He recalled seeing the dome light. He recalled someone saying that the truck was on fire, because, he thought, of the dome light shining in the cab. Asked as to what might have caused the accident, he said he did not know. That possibly Miss MacKinnon had lost control of the wheel and becoming excited had kept it going into the bank. There was no traffic on the road at the time, but he thought that Miss MacKinnon, being an inexperienced driver, had lost control.

Discovered Accident Mr. Angus MacDonald, who discovered the accident, said that he was returning home about 2 A.M. from a dance at De Gros Marsh, when he noticed the overturned truck. He went to investigate, and then went to get his father, Mr. Arthur MacDonald. With crow bar and shovel they were able to pry open the door and remove those inside. The two girls, he said, were lying under the steering wheel, head towards the driver's door. Cecil Naddy was lying on the opposite side with his head up against the other door. The other two occupants were in the centre on hands and knees. They removed the occupants, he said, and placed them on the shoulder of the road. In a short time Wilbur Naddy was able to arise. He said that he had noticed the gas lying on the hood of the truck and saw it dripping from the gas tank. Shortly after, he said, Dr. G.S.A. Inman arrived. He also noticed, he said, that the window on the driver's side was broken which presupposed that it had been raised prior to the time of the accident.

Mr. Raymond Fitzpatrick, mechanic, McGowan Motors, Montague, stated that he had inspected the condition of the truck and had found it mechanically in good condition as far as he could determine on preliminary examination.

Cpl. C. M. Davis, Montague R. C. M. P. Detachment testified

he had been called to the accident, and had called Dr. MacIntyre and Dr. Inman, but found that they had already gone. On arrival he found that Dr. Inman had left for the hospital with Miss Jamieson. He saw the overturned truck and also the odor of gasoline fumes. He called Cpl. A. M. Johnston, who drove to the scene to take pictures and measurements.

Cpl. Johnston, the next witness presented photographs, taken at the scene of the accident, and explained each to the jury.

Report of Pathologist

The report of Dr. Harold Shaw, provincial pathologist, was read by Dr. Inman, and is as follows: Autopsy report of the body of Edith Claire MacKinnon, the body of a young well developed and well nourished female adult. It might be stated here that the body when received was fully clothed, and that this clothing was damp and gave off a strong odor of gasoline.

On the external surfaces of the body there was no evidence of injury due to external force. There was present, however, relatively large reddened areas, with rounded margins. The appearance of burns caused by a chemical substance. These burns were present on about 20 to 30 percent of the skin surfaces of the body, and it was observed that they were present only on unexposed surfaces. The color of these lesions and subsequent microscopic examination indicated that the actual destruction of this tissue occurred during life.

On nearly all the remaining surfaces of the body, but again not on the exposed surfaces, there was also evidence of burns caused by a chemical substance. However, these latter burns differed from those described above in that there was no reddening, no distinct margination, and that the superficial skin structures were still present. However, with gentle friction to these surfaces large plaques of surface skin could be easily removed. These lesions, by their gross appearance, were also caused apparently by the same substance, but has developed after death had occurred. From the above findings it may be presumed that the substance causing this burning was gasoline which was held in contact with the affected areas by the clothing.

These areas of superficial burning were contributory but were not considered to be the direct cause of death in this case. On internal examination, no specific lesions were evident on gross examination. For that reason sections from the different organs were removed for microscopic examination.

Here the findings were revealing, especially in the lung tissue. Throughout the lung tissue there was dilation of capillaries and distention of the alveolar air sacs with clear serous fluid, a typical picture of acute pulmonary edema. That this was a non-inflammatory transudate was indicated by the relative absence of inflammatory elements.

Boyd, in his "Text Book of Pathology" states that during the First World War, war gases often produced acute pulmonary edema, and in his own words, "patients were often literally drowned in their own fluid." The situation in this case in which there was a high atmospheric content of vaporizing gasoline appears to have been the toxic irritant causing a similar phenomenon as that described by Boyd.

In order to prove that atmospheric having a high content of gasoline fumes would irritate pulmonary tissue to cause marked exudation, an experimental animal was placed in a glass jar containing a high gasoline vapor content. The animal, a rabbit, lost the use of its legs in about 30 seconds, showed beginning cyanosis in about one minute, and had expired in about one half hour. The microscopic pictures of the lung tissue from the animal was similar in all respects to that described above.

Therefore it may be assumed that death, both in this case and that of the experimental animal, was due to acute pulmonary edema, initiated by the inhalation of an atmosphere containing a high content of vaporizing gasoline.

The jury comprised, Messrs. R. W. Beck, foreman, Douglas MacLaren, Victor Pepler, Temple Llewellyn, Alan Nelson, Robert VanIderstine and Carl Boehner.

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WANTED

SEALED TENDERS for contract to sand streets and sidewalks in the Town of Montague for a period up to May 1st, 1953. Under supervision Chairman Street Committee. Apply this week Town Clerk.

B. H. YEO, Mayor.

Advertisement for Kellogg's Bran Flakes. Includes text: "Try KELLOGG'S BRAN FLAKES and you'll agree they TASTE BETTER!" and "That's why more and more people are eating Kellogg's BRAN FLAKES".

Advertisement for Kellogg's Bran Flakes featuring a cartoon character and a bowl of cereal. Text includes: "They're FRESHER! BIGGER! CRISPER!" and "There Ought To Be A Law".

Advertisement for "CAPITOL FINAL TO-DAY WILLIAM HOLDEN in 'BOOTS MALONE' SHOWING AT 3:30 - 7 - 9".

Large advertisement for "Bronco Buster" featuring John Lund, Scott Brady, Joyce Holden, and Chill Wills. Includes text: "The Thrill-Story of the Rodeo's Glory Riders! The Furies They Dare! The Women They Love!" and "Actually filmed at the World's Leading Rodeos... with the WORLD'S GREATEST RIDERS IN ACTION!"

Advertisement for "PRINCE EDWARD TO-DAY and THUR." featuring Robert Mitchum, Jane Russell, and William Bendix. Includes text: "Exotic, exciting MACAO part of sin and shady dealings!" and "SPECIAL!! NEWS PREVIEW OF 'GREY CUP' FOOTBALL FINAL IN TORONTO. ADULT — SHOWING AT 3:30-7-9".

Advertisement for "CARTOON BASKETBALL HEADLINERS 'FIRST LADY OF THE TURF'".

Advertisement for "CONVENIENT! HORSES selected ORANGE PEKOE TEA IN BAGS!".

Advertisement for "NOTICE Any person cutting or hauling wood or lumber off may property will be prosecuted. Signed, BERTHA L. MacKENZIE." and "CONVENIENT! HORSES selected ORANGE PEKOE TEA IN BAGS!".

Advertisement for "GALLSTONE" featuring a cartoon character and text: "AND WHEN YA GIT THROUGH PEELIN' THOSE POTATOES, WASH THE DISHES. PRIVATE GALLSTONE!" and "WHEN GALLSTONE WAS DOING HIS HITCH HE SWORE AN ETERNAL OATH NEVER TO GO NEAR A KITCHEN AFTER HE GOT OUT".