

\$4,650 Damages Awarded In Crossing Accident Case

That damages in the amount of \$4,650.00 be awarded the plaintiffs, Charles M. Hamilton and his wife Hilda G. Hamilton, due to negligence on the part of the defendant, the Canadian National Railways, was the verdict brought in by the jury in Supreme Court Summerside yesterday, Mr. Justice George J. Tweedy presiding.

This is the full amount of the damages against the Canadian National Railways which resulted from an accident at an Albany railroad crossing on February 13th, 1955 in which a freight train struck a car driven by Mrs. L. Hamilton and in which she sustained a broken back.

The court submitted three questions to the jury before they retired, after lengthy addresses by Frederic A. Large, Q. C. attorney for the defendant and J. O. C. Campbell, Q. C. attorney for the plaintiffs, and the charge to the jury by His Lordship Judge Tweedy.

The questions, with the answer as brought in by the jury were as follows:

(1) Was there any negligence on the part of the defendant railway company which caused or contributed to the accident? (answer: "Yes" or "no") answer: Yes.

(2) If so, in what did such negligence consist? (answer as fully as you can) Answer: (in part) (A.) We agree that Albany is a village.

(B) The train involved in the accident was travelling at an excessive speed, (C) the engineer did not have a proper view approaching such a blind crossing (D) we recommend a flashing light or bell be installed at this crossing.

(3) If the answer to question (1) is "yes" state total amount of damages you allow the plaintiffs? Answer: \$4,650.00.

The jury was out twenty three minutes.

The answer to the first part of the second question, in which the jury states that "we agree that Albany is a village" was a question of fact for decision by the jury, that says "no train shall pass through a thickly populated portion of any city, town or village at a speed greater than 10 miles per hour."

The case for the defendant concluded before the noon recess with the calling of the noon recess by Mr. C. H. Robart of the real estate department of the C. N. R. who had previously given evidence as a witness for the plaintiff's on a consent of counsel. Mr. Robart had drawn a map of the accident area and provided blueprints for the court.

During the noon recess, at the initial request of Mr. Large the jury were taken to the scene of the accident by the sheriff for CHARGE TO JURY.

In his charge to the jury His Lordship stated that very little law was involved in the case and it was mostly a question of fact.

He instructed them in regards to the meaning of the word "negligent" which means to be negligent, that is to say, to be negligent in the sense of the law.

He said that even if there is no statute as to application of the principles of common law, for the defendant to have taken reasonable care and precaution to avoid an accident under the circumstances, His Lordship then analyzed the evidence for the jury and stressed that they must base their verdict entirely on the evidence presented in court.

The jury was comprised of Fergo 200 200 200 200 -8

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Highwood 200 200 200 200 -8

Horrie Oil 200 200 200 200 -8

Husky 200 200 200 200 -8

Kroy Oil 200 200 200 200 -8

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Nat Pet 200 200 200 200 -8

N Bristol 200 200 200 200 -8

N Chambrin 200 200 200 200 -8

N Continent 200 200 200 200 -8

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Messrs. Charles MacCardie, foreman, Middleton, Joseph Caseley, Spring Valley, William Donald, Hamilton, John Scott, Summerside, Thomas Duncan, Howland, Lorne Grigg, Northam, Kenneth McNevin Ellerslie, R. R.

S'ide R.C.A.F. Wing Ass'n Holds Meeting

Reports by Reg Ellis on the annual meeting of the R. C. A. F. Benevolent Fund, last month in Ottawa, and by Errol Laughlin, who attended the annual meeting of the national R.C.A.F. Association in Windsor, Ontario, were made at the June meeting of the Summerside Wing held last evening in the club rooms of the association.

In the absence of president Bill Young, the meeting was presided over by vice president Errol Laughlin who introduced Mr. Ellis, who is a member of the local association.

After a general report of the proceedings of the convention he attended in Ottawa on May 14th, Mr. Ellis described the work of the R.C.A.F. Benevolent Fund among R.C.A.F. personnel, ex-members of the R.C.A.F., and widows and children.

Incorporated in 1944, the Benevolent Fund receives its funds from a part of the profits of R.C.A.F. canteens. At the present time the fund amounts to about \$3,740,000. Last year 1,251 grants and 1,116 loans were made from the fund. In Prince County six grants totalling \$767 were made.

Mr. Ellis, who is secretary of the Prince County committee of the Benevolent Fund emphasized that the funds were by no means used as a sort of unemployment insurance fund, but rather were intended and are used to give financial support to someone in adverse circumstances who would not, by his own indifference, be back in the same position in a short time.

Mr. Laughlin, in reporting on the national convention in Windsor, described the interesting program in which he and Mr. John Mungall had participated as delegates at the convention.

He told of resolutions approved by the meetings, and described their purpose in the national constitution.

Dr. Gilbert Gallant reminded the members of the annual inspection of the Summerside Air Cadets in number 3 hangar at R. C. A. F. Station Summerside this evening at 7 p.m. He urged the members to attend this inspection program and announced that one of the boys of the squadron had the highest score - 97 out of a possible 100 - and that the Summerside squadron team had placed second in competition with six other squadrons at an inter-island rifle shoot in Sydney recently.

Dr. Gallant also said the Air Cadet Band will participate in lobster festival program at Summerside next month. Two new members: Ralph Ozm of Summerside and Layton Green, of Albany - were welcomed into the club.

The presentation of a past president's pin was made to Cyril Hickey by the chairman of the meeting, Errol Laughlin. At the conclusion of the business part of the meeting, the members participated in the enjoyment of lobsters which were provided in considerable quantity for all present.

Attention Golf Club Members

The annual meeting of the Summerside Golf and Country Club will be held in the club house lounge tonight, Thursday, June 14th, at 8.00 p.m. All playing and social members are urgently requested to attend.

PROGRAM FOR H.M.C.S. "ALGONQUIN" VISIT

FRIDAY - 7:30 a.m. - Sea Cadets leave Holman's Wharf by motor boat (weather permitting). 8:30 a.m. - Sea Cadets will embark from motor boats near Fairway Light buoy to proceed for a cruise in Northumberland Strait. 10:00 a.m. - H.M.C.S. "Algonquin" berths alongside Railway Wharf. 3:30 p.m. - 1:00 a.m. - Public dance at Imperial Dance Palace (200 girls wanted).

SATURDAY - 2:00 p.m. - 4:00 p.m. - Ship open to Sea Cadets and parents. 2:30 p.m. - Softball game (Navy vs. Legion). 3:00 p.m. - Baseball or softball game (Navy vs. All Stars). 9:00-11:30 p.m. - Private dance at Canadian Legion Hall for ship's company and girl friends.

SUNDAY - 10:00 a.m. - Church parade for 11 o'clock service at Baptist Church and St. Paul's Church (Sea Cadets to be at Railway Wharf by 1:50 a.m.). 12:30 p.m. - March Past - (Salute to be taken at corner of Fitzroy and Summer Streets. 2:00-4:00 p.m. - Visitors welcomed aboard ship. 2:00 p.m. - Drive through National Park for ship's company in cars supplied by volunteers. 8:15 p.m. - Band concert in Memorial Square. 9:00 p.m. - Movie for ship's company and friends.

MONDAY - 6:00 p.m. - Softball game (Navy vs. RCAF). 9:00-11:30 p.m. - Private dance at Canadian Legion for ship's company and girl friends.

CAPITOL - SUMMERSIDE

TODAY (Thursday) - FRIDAY & SATURDAY Evening Shows 7:15 - 9:15 Matinee Today 3:30; Saturday 2 P.M.

ALAN LADD EDWARD G. ROBINSON JOANNE DRU

SAN FRANCISCO'S BAY FRONT ABLAZE WITH ACTION! "HELL ON FRISCO BAY"

In CINEMASCOPE and WarnerColor - and from Warner Bros.

First Speeding Convictions By Radar In Summerside Court

Four motorists from O'Leary, Northam, Miscouche and Alberton, had the dubious honor of being the first persons in County Magistrate's court in Summerside to have paid the regular fine of \$10 and costs for speeding, on the evidence of R.C.M.P. radar equipment presently being used by the

highway patrol. Although the equipment, which was obtained last year, has been used in other parts of the Province, this is the first time that it has been used in court cases in Summerside. In all four cases the motorists were driving in speed zones and were driving over the speed limit. Their speed was registered on the radar, is placed alongside the highway or in an automobile. Usually the first indication a motorist receives that he has been caught violating the speed regulations is on being stopped by one of the patrol cars used in conjunction with the radar unit, and operating some little distance beyond the point where the radar unit is located.

Also in court before Magistrate R.S. Hinton, light other highway traffic offenders were dealt with. Evidence was also partially heard in a Temperance Act case in which a party from Summerside is charged with possession of moonshine.

In another case under the Excise Act a party from Summerside was convicted of possession of "wash" and was fined \$100 and costs. Four youths were convicted of having liquor in their possession in a public place, namely a dance hall in Ellerslie, and were each fined \$20 and costs.

A party from Freetown was fined \$20 and costs for having liquor in place other than his residence, and a member of the R.C.A.F. received a similar sentence for the same offence.

Regional Immunization Clinics

For pre-school children for initial and re-inforcing inoculations against diphtheria, whooping cough and tetanus, also vaccination against small-pox. These clinics are for preschool children in the regional centres and from surrounding districts.

Thursday, June 21 - 9:45 - Mt. Carmel. 11:00 - Wellington Station. Friday, June 22 - 9:45 - Traveller's Rest. EAST QUEENS Tuesday, June 19 - 2:00 - Vernon Bridge. EAST KINGS Monday, June 18 - 2:00 - Elmira. Keep This for Reference. Department of Health.

OLD TIME FIDDLING AND STEP DANCING CONTEST

For the CHAMPIONSHIP OF THE SUMMERSIDE LOBSTER CARNIVAL

Open to all residents of Prince Edward Island.

—THREE CLASSES— Fiddling Male Step Dancing Female Step Dancing

Send entries immediately to BEN CHAMPION P. O. Box 220, Summerside, P.E.I.

Entries definitely close July 10 BIG CASH PRIZES

"MEET THE NAVY" DANCE

AT IMPERIAL DANCE PALACE SUMMERSIDE (WEST) FRIDAY, 15 JUNE

From 9:30 P.M. to 1:00 A.M. ADMISSION 50 CENTS

WANTED 200 GIRLS 200

To act as partners for H. M. C. S. "Algonquin" ship's company at this dance and also private dances to be held on Saturday and Monday nights at the Canadian Legion Home, Summerside.

All girls report to Imperial Dance Palace at 9:30 P.M., Friday, 15 June, 1956.



CELEBRATE GOLDEN WEDDING of Klatsford who celebrated their golden wedding anniversary on June 6. (See story on page 8). Photo by D. W. Sears.

WESTERN GUARDIAN

SPRING VALLEY CONCERT, Darnley Hall June 20th, auspices Darnley-Sea View Auxiliary.

REGULAR Thursday night dance, Kensington Legion Home. Music by Mellowaires Orchestra. Dancing from 9:30-12:30. Admission 50 cents.

DOG SHOW - At the Dog Show, staged on June 11th at Queen Elizabeth Ball Park, Summerside, the little dog belonging to Elaine MacDonald, 39 King St., Summerside, was the winner of first prize in his class as the Best Dressed Dog.

PERSONALS Mr. Elmer Pineau, Summerside, has returned home from the Prince County Hospital having undergone surgery and treatment. Her many friends wish her a speedy recovery.

Margaret Barwise, seven year old daughter of Mr. and Mrs. William Barwise, Summerside, entered the Prince County Hospital on Monday to undergo treatment.

Mrs. Grace Atanborow, Winnipeg, Manitoba, who has been spending the winter months with her sister, Mrs. John Hines, under-letting the Prince County Hospital on Monday to undergo treatment.

Indian River And Kensington CWL Annual Meeting On Sunday, May 13, twenty-one members of Indian River and Kensington C.W.L. met in the vestry at Indian River to hold their Annual Meeting. The president presided and opened the meeting with League Prayer.

The minutes of the 1955 annual and minutes of previous monthly meetings were read, the latter being duly approved and signed.

The convenors of different committees gave interesting and satisfactory reports, showing how active each had been in her respective convensorship.

The President in her address thanked the members for their cooperation, the Spiritual Director for his guidance and loyalty.

Gifts were sent to two of our members who were in the Hospital. One new member was welcomed. An acknowledgement from radio station C.J.R.W. of a letter of appreciation sent them re Bishop Sheen's programs and a letter concerning Scholarship Fund were read.

The Officers with the exception of the Treasurer held their offices for one year, with all unanimity re-elected. Mrs. Wilbert Lawless was elected Treasurer in place of Mrs. Elizabeth Brennan whose term of office had expired.

Mrs. Brennan was tendered a hearty vote of thanks for her untiring efforts towards the success of the League.

Members were then appointed. The members agreed to dispense with monthly meetings during summer months. Meeting adjourned following Benediction. A brief executive meeting was held when the convenors for the different committees were appointed. Meeting then adjourned.

Professional Cards Chartered Accountants T. Earle Hickey Canadian Bank of Commerce Building Summerside, P. E. I. Phone 2235

INSURANCE R. E. Ellis & Son Limited Fire - Auto - Casualty Summerside

Optometrist E. E. Parkman Opt. D., R.O. PHONE 3287 REGENT THEATRE BLDG. Summerside

B. F. Hunter, R.O. Summerside, P. E. I. Phone 8110 SMALLMAN'S BUILDING A. Raymond Grant, B.Sc., O.D. Summerside

Trinity United Quartet Wins In Cavalcade

The Trinity United Quartet, composed of Herb Schurman, Alan Wedlock, Lloyd Ellis and Willard Hogg won the R. T. Holman trophy at the Summerside Quartet Cavalcade held in the Baptist Hall before a large crowd last evening.

They were also presented with cigarette lighters, donated by Enman Drug Co. and pairs of socks donated by Maurice Mill, men's wear.

Second place went to the Rotary Quartet of Summerside comprising "Bud" Mountain, Ewen Nicholson, Enzor Bowness and John E. Cameron. They received dress skirts donated by Smallman Ltd.

The Collegians of Charlottetown won third place. These boys, Alan Dunbar, Norman Stewart, Wallace Platt and Vincent Beck were awarded boxes of chocolates donated by Boates Pharmacy for two of them and two records each, donated by MacCausland Furniture for the other two. Mrs. Helen MacRae, who was accompanist for the Charlottetown boys was awarded a special prize of perfume, donated by Gourlies, Ltd.

A long program consisting of thirty numbers was thoroughly enjoyed by the audience. Mr. Bob Schurman acted as master of ceremonies and made the presentation of prizes. The entertainment was under the sponsorship of the Summerside Baseball Association. Adjudicators were Mr. Ned Henthorn and Mr. Gabriel Chlason.

ALBERTON Mr. and Mrs. Austin Murphy have returned to their home in Alberton after spending the winter with members of their family in Windsor, Ontario.

Mr. and Mrs. David Hodgson, Alberton, have as a welcome guest this week their cousin, Mr. Newton Lawson of Saskatoon, Sask. Mr. Lawson lived the first part of his life in Charlottetown. Sixty years ago he moved with his parents to Western Canada and this is his first return visit to his native Province.

Messrs. Fred and Gordon White completed the planting yesterday of 500 cedar and pine trees on a plot of land west of the White Building on Main Street at Alberton. The trees, and an additional 700 at their residence, were procured from the Forestry Division of the Dept. of Agriculture, who supervised the planting which took seven hours. Some of the trees are seven years old and in a few years will help to replace the many hundreds destroyed during the January ice storm.

CRAPOUD THEATRE

Fri - Sat. 8:30 "BEAU BRUMMELL" Stewart Granger and Elizabeth Taylor Cartoon

REGENT TONIGHT 7:15 - 9:10

WILLIAM CAMPBELL MAMIE VAN DOREN KEITHIAN WYNN KATHLEEN CASE

WEDNESDAY and THURSDAY

June 14th and 15th. In Technicolor "SALOME" Starring: Rita Hayworth and Stewart Granger Cartoon and Canteen Service - 8:45

STARTE DRIVE IN THEATRE SUMMERSIDE

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