

Magistrate Dismisses Wash Possession Case

James B. Johnston, stipendiary magistrate for Queens County last night ruled that the Crown had failed to prove that Judson Everett Myers of Mount Albion was on August 23 in possession of wash suitable for the manufacture of illicit excise spirits, and dismissed the excise charge against him laid earlier by the RCMP.

Mr. Johnston admitted that the circumstances under which the accused was apprehended by the police on the day in question could be considered somewhat suspicious, but he pointed out that in such a charge suspicion was not sufficient evidence on which to base a charge.

CHARGE IGNORED

In his summation, defence counsel John J. Holmes contended that the prosecution had virtually ignored the charge throughout the entire case. None of the evidence presented by the Crown either stated or implied that the accused at any time had had in his possession either the wash or the parts of the so-called still.

Where no connection was shown, there could in law be no prosecution, Mr. Holmes asserted, and cited two decisions to prove this contention.

On the other hand, A. J. Haslam who appeared for the Crown contended that the prosecution had established a prima facie case by placing the accused at the scene where the wash and equipment seizure was made.

His explanation that he was out searching for cranberries was not satisfactory, Mr. Haslam said.

THREE WITNESSES

During the three and one-half hour court session which began at 7 p.m. last evening, evidence was taken from three witnesses: Corporal R.O. Lively and Constable C.W. Tupper, two of the four RCMP officers effecting the seizure and arrest last August 23, and the accused.

Corporal Lively told the court that he and Constable Tupper had found the wash concerned in the case on August 19. It was contained in two barrels approximately 30-gal. capacity each, and was situated in a wooded area north of the property owned by the accused's father.

He and Tupper and two other RCMP constables had returned to the scene early the following Sunday, August 23, and had concealed themselves in areas overlooking the two barrels which were some distance apart.

At about 10:30 a.m. the accused approached the area and walked to within approximately 10 feet of where he was concealed, hesitated a moment and then veered off in another direction.

Corporal Lively said he then stood up and asked the accused what he was doing there and was told he came to pick cranberries. Questioned re the wash the accused asserted he knew nothing about it.

ITEMS FOUND

Leaving the accused with Constable Williams, he and Constable Davis had conducted a

wider search of the vicinity and quickly found several other items: a steel drum containing the remnants of what appeared to be old wash; a small gas tank containing naphtha gas, a tire pump, a gallon jar that apparently had once contained gasoline, and a five gallon can of "wash".

Later he and Constable Davis searched a shack on the Myers property that bordered directly on the path leading to the area in which the seizure was made.

The accused admitted he had been living there for some time, Corporal Lively added.

In the shack they found a Coleman gas stove, which Constable Tupper identified later as the same stove which they had discovered in the wooded area on May 31, and which had disappeared later that same day, and a galvanized container which Corporal Lively said could be used as a "cooler".

About 20 yards from this shack, Constable Tupper found a jar containing a small amount of liquid that smelled like moonshine. This was on the farm adjoining the Myers property.

Laboratory tests of a sample taken from the wash in the barrels showed it contained 19.9 per cent proof spirits, Constable Lively said.

Cross-examined by Mr. Holmes, Constable Lively admitted that the still he had found and submitted in evidence was not complete since the "worm" had not been located.

He said the apparatus discovered on August 23 was identical to the apparatus found in that same vicinity on May 31 and which could not be located shortly after he and Constable Tupper had seen the accused in the area.

Constable Lively also admitted that at no time during his approach to the scene of the seizure on August 23 did the accused indicate that he knew the location of the wash and equipment.

Constable Tupper said that he had not seen the accused on August 23 prior to his arrest, but had seen him in the same vicinity on May 31, the same day he and Corporal Lively had discovered a steel drum, a gas stove, and a wooden barrel containing water in the same general area where the August 23 seizure and arrest was made.

He declared that he had examined the stove found in the wood May 31 in great detail and was satisfied it was the same stove found August 23 in the attic of the shack occupied by the accused.

"WORST MOONSHINE" He said the accused had tasted the liquid contained in the jar he had found on August 23 and had deemed it "the worst moonshine he had ever drunk."

Mr. Myers said he was in the habit of using the woodland path on which he was apprehended to get to the back of his father's farm. He said to do so it was necessary to use one of several ways all passing through the adjoining property in order to avoid a marsh that cut their farm in two.

He stated he knew nothing of the wash or metal containers seized by the police. He admitted that the stove had been in his possession, but could give no reason why it should have been discovered in the woods the previous May.

He said he was not actually intending to pick cranberries the Sunday morning he was arrested by the RCMP, but was rather scouting around to see how the crop was developing.

GREAT STORMS Hurricanes originating in the tropics can release in one second more energy than several atomic bombs.

DON'T MISS THE BIG HALLOWE'EN DANCE AT THE Rollaway Club, Saturday, Oct. 31 DANCING FROM 9 TILL 12:00 MUSIC BY THE DOWNTOWNERS PRIZES FOR THE BEST COSTUMES FOR TABLE RESERVATIONS DIAL 7142 OR 8839 ADMISSION \$1.00

TWO AND TWO MAKE FOUR . . . IT'S AS SIMPLE AS THAT The Directors are merely the representatives of the Protestant citizens who at a large and representative public meeting several years ago, elected them to be their agency in this important and necessary work. Yes, it's as simple as "two and two are four" . . . and the only possible answer to the Bureau's problem is: AN INCREASED AND MORE GENERAL GIVING ON THE PART OF PROTESTANT PEOPLE. Are you prepared to support your elected Board in its church and community responsibility? On your answer will depend the future of the Protestant Family Service Bureau.



MR. O'SHEA



MR. O'HANLEY

St. Dunstan's Scholarships Awarded Former Teachers

St. Dunstan's University yesterday announced the award of two scholarships to the P.J. Mooney Memorial Scholarship to Arthur O'Shea of Iona, P.E.I., and the Daniel Sophus Edmonds Memorial Scholarship to Daniel O'Hanley of Monticello, P.E.I. Both are former school teachers.

Mr. O'Shea is the first recipient of the scholarship established in memory of Patrick J. Mooney who was born in Iona but spent his lifetime in Washington State, U.S.A.

A son of William O'Shea and the late Mrs. O'Shea of Iona, he first attended St. Dunstan's High School from 1945 to 1947. Following one year of normal training at Prince of Wales College, he spent three years teaching in the public schools of the province, and six years as a member of the Land Valuation Board of the Prince Edward Island Department of Education.

He returned to St. Dunstan's in the fall of 1957 and is at present in the sophomore year of the Arts Course. He was awarded the scholarship on the basis of academic excellence and valuable participation in intramural student activities.

Mr. O'Hanley, this year's winner of the Daniel Sophus Edmonds Memorial Scholarship, is the son of Mr. and Mrs. Daniel O'Hanley of Monticello, P.E.I. He completed Grade XII in Souris High in June 1954, took Normal Training at Prince of Wales College, and then taught in Lakeville School for one year.

The next year he completed Grade XII in Souris High and returned to the teaching profession in the elementary school in Souris. Mr. O'Hanley came to St. Dunstan's in September 1953, and is now in the sophomore year of the Arts program.

Free Church Minister Called To Port Arthur Congregation

Rev. J.H. Bishop B. A. minister of the Charlottetown congregation of the Free Church of Scotland in P.E.I. has been invited to become the minister of the Oliver Road Presbyterian Church, Port Arthur, Ont.

Rev. J. H. Bishop B. A. who studied at P.W.C. Charlottetown, Dalhousie University (B. A. 1935), Free Church College and the Scottish Anthropological Institute, Edinburgh, was licensed and ordained by the Edinburgh Presbytery of the Free Church of Scotland in July, 1938, and has since labored on P.E.I. except for a little better than one year. When he was in Winnipeg, Man. conducting services for the Reformed Presbyterian Church.

MANY ACTIVITIES Mr. Bishop was president of the Charlottetown Ministerial Association in 1955 (Charlottetown's Centennial Year), and was convener of two committees of that association, one dealing with institutional services and the other in relation to morning devotions over C.F.C.Y.

Mr. Bishop was president of the Prince Street Home and School Association in 1957-58; one time Master of Crapaud L.O.L., and chaplain of the Provincial Grand Lodge; the first Moderator of the North American Synod of the Free Church of Scotland. Mr. Bishop is one of the charter members of the Protestant Family Service Bureau, having been a member of the board of directors since the bureau was formed, in 1956, is a member of the P.E.I. Auxiliary and of the Charlottetown Branch of the British and Foreign Bible Society, and is a member of the P.E.I. Historical Society.

Mr. Bishop is rather cosmopolitan - having delivered his first address at the Old Baptist Church Schoolroom, Charlottetown, in connection with S.C.M. services, and the second in the Marie United Church. During the years, Mr. Bishop conducted services and delivered sermons in United, Presbyterian, Baptist, Church of Christ, and Brethren churches, as well as in churches of the Free Church of Scotland, in Scotland and Canada.

Mr. Bishop with his wife, the former Ruth M. Barclay of Win-



REV. J.H. BISHOP

ning, Man., and two children, Naomi Ruth and Alan George who are attending Prince St. School, expect to leave for Port

Sale Of Poppies To Start Nov. 2

Lieutenant-Governor F. Walter Hyndman will officially open the 1956 poppy sales campaign sponsored annually by the Canadian Legion, in a radio broadcast scheduled for 1:02 p.m. Nov. 2nd.

His Honor will be followed at the same hour in the next three days following by Premier Walter R. Shaw, Mayor Edwin C. Johnston, and the provincial president of the Canadian Legion.

The street sales will commence in Charlottetown on Wednesday, November 4th.

These announcements were made last night following a special meeting of the Charlottetown branch executive held in the Le-

gion rooms. The president of the branch, F. Pius Smith, presided. Mr. Smith also announced that information received from Veterans Minister Brooks indicated that Hon. Angus MacLean, minister of fisheries, would present him on the Island on November 11.

The president of the Charlottetown branch also noted that the citizens generally seemed to be losing sight of the real significance of Remembrance Day.

He said that in his opinion the duty of seeing to it that the people do not forget this important occasion rested largely with all veterans, Legion members in particular.

Boarding Houses To Be Inspected

Inspection of all places supplying meals to people who do not necessarily reside in the house has been requested by city authorities and will be done by the division of sanitary engineering in the provincial department of health, it has been stated by Dr. Burton Howatt, provincial health officer.

He pointed out that there are many such places supplying meals. They are unlicensed and unsupervised by authorities and it was felt that there was a need to make certain they are maintained in a sanitary condition that will meet requirements of health officials.

Such inspections are made regularly of all licensed restaurants and authorities believe this

practice should be extended to all private homes catering to the public's food needs.

Provincial

(Continued from Page 1) vince has suffered, a shortage of trained dairymen.

Aggravating the situation was the fact that frequently when men from this province were sent to schools in other centres for training they were offered positions more attractive from a monetary point of view than were available here. As a result, when they completed their courses, many of the remained in other parts of the country thus leaving the Island no better off than it had been.

CROWN BREAD

The real HOME MADE LOAF, baked in brick ovens. Fresh daily at your local grocer, 19 cents per loaf.

Phone 5270 Support Island Products

SILVER LASSES TABLE MOLASSES IS EXTRA-FANCY QUALITY!

SILVER LASSES TABLE MOLASSES IS ONE OF NATURE'S BEST BODY-BUILDING FOODS!

SILVER LASSES TABLE MOLASSES MAKES THE MOST DELICIOUS COOKIES, CAKES AND CANDIES!

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TREASURE VAN COMING

Scores of luxury items and handicrafts from countries all over the world will be offered for sale here this week when "Treasure Van" sets up displays in rooms adjacent to the Travel Bureau on Sydney Street. The articles will be on sale Thursday, Friday and Saturday. Treasure Van is sponsored by the World University Service of Canada and is being supported here by committees at Prince of Wales College and St. Dunstan's University.

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Water Safety Program For Island Said Amazing

Red Cross water safety chairman from many sections of the province met last night at a supper meeting at the Y.M.C.A. to meet and hear C.R. Blackstock, Toronto, national director of water safety for the Red Cross.

Keith Lapp of Summerside, the provincial chairman, presided and welcomed the group on behalf of the committee.

struction to many of the 21,000 summer visitors to the North Shore.

Brief remarks were heard from Judge J.S. DesRoches, president of the P.E.I. Division of the Red Cross; Miss Iphigene Arsenault, provincial commissioner and Mrs. Evelyn Cudmore, provincial director of water safety who introduced the guest speaker.

Mr. Blackstock outlined the purpose of water safety services and commended the provincial organization for its "amazing high state of efficiency". He stated that it was astounding that in this small province almost 6,000 persons had participated in swimming classes during 1959, spread over 90 centers of the province.

Mrs. Roy White reported on the "wonderful success" of the classes at Murray River. An interesting discussion period brought out many interesting features of the season's activities in the promotion of water safety.

Hunters Report Geese Plentiful

From the reports floating around town the appearance of most wild geese as part of the flock of a number of families is more evident this year than it has been for some time. In many instances hunters are able to stock their deep-freezers with a few of the birds for future banquet ingredients.



One instance regarding the success of a number of hunters took place Monday morning a short distance from Fullerton's Marsh, Sunbury. A number of hunters who were staked out in the area by daylight were able to obtain their full quota of five geese by the time 7:00 o'clock rolled around.

LOCAL BRIEFS

WORD RECEIVED Word of the passing of Henry Harvey of Lincolnville, Maine, on Sunday, Oct. 25th, in his 86th year, was received by his niece, Mrs. Wendell Mutch, Southport, on Monday evening. The deceased was married to the late Gertrude Ross, formerly of Georgetown, P.E.I. He leaves to mourn two daughters and a son. Burial will take place in Brookline, Mass., on Oct. 28.

Brownie 'Fly-Up Ceremony' Held For Two Trinity Packs

Seven Brownies from the 6th and 7th Brownie Packs received their Brownie wings and flew up to Guides at ceremonies held last evening at Trinity Church. The presentations were made by Mrs. W.J. Rodd, district commissioner, to Janice Henry, Nancy MacKinnon, Barbara MacNeven, Peggy Anne Shelton, Mabel Taylor, Francis Whitlock and Jane Williams.

Church. Gail Norrie is shown here as she received her All-Round Cord from the hands of Mrs. W. W. Reid, deputy provincial commissioner, as Mrs. Earle Taylor, Guide Captain witnesses the ceremony.

Camp at Point Pleasant and Mary Found, Susan Large and Jeannie Wright received swimmers badges. Kaye Younker reported on hike badges and presentations were made to Mary Found, Susan Large, Gail Norrie, Lynne Taylor, Jeannie Wright and Kaye Younker. Woodsman's badges were presented to Barbara McNeill, Gail Norrie, Susan Large, Rhonda Reid, Lynne Taylor and Kaye Younker. Pioneer Badges were presented to Susan Large, Gail Norrie, Lynne Taylor and Kaye Younker. Gail Norrie received a camper badge. The all-round cord was presented to Gail Norrie by Deputy Provincial Commissioner Mrs. W.W. Reid.

ON ANNUAL VISIT Very Rev. J. Arthur Ryan, D.D., provincial of the Toronto province of the Redeemptorist Fathers is paying his annual visitation to the Redeemptorist house in Charlottetown. Father Ryan is accompanied by his confessor, Rev. J.S. MacDonald.