

Criminal Negligence Case Dismissed By Magistrate

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ROYAL NEWSIE

Joseph Coady is the paper boy who delivered two copies of the Guardian for H.M. the Queen and H.R.H. Prince Philip at Government House Friday morning.

Magistrate Gilbert A. Gaudet Q.C. yesterday evening dismissed a charge of criminal negligence causing bodily harm in the operation of a motor vehicle leveled against Thomas Joseph Ecsedi of Ottawa.

Frederick A. Large, Q.C., appeared for the accused while crown prosecutor John P. Nicholson conducted the case for the Crown.

The charge arose following an accident in which the accused's vehicle was in collision with a vehicle driven by Willard Prowse of Brackley.

Witnesses Giving evidence yesterday were Myra P. Prowse, who, with her son, Ernest, was a passenger in the car driven by her husband; the accused; Cpl. Gordon Humphrey, Sgt. W. J. R. MacDonald, and Cst. R. E. Maitland of the Charlottetown detachment of the RCMP; and Pibor George Porjus, only other passenger in the vehicle driven by the accused.

Magistrate Gaudet noted that the case was not similar to those in which accused parties had driven recklessly past several vehicles. He said he was impressed with the manner in which the accused had presented his evidence and was inclined to think that he was telling the truth.

Disregard of human life necessary to support a charge of criminal negligence was not shown, the magistrate contended. Mr. Ecsedi testified that the accident occurred while he was in the act of passing another vehicle. He maintained that he had not seen the Prowse car until it was only approximately 30 yards away. Visibility was good at the time.

FIRST REACTION He said his first reaction was to apply the brakes, then he thought to swing right but the vehicle he was passing prevented that. As an alternative he pulled left, only to discover that the driver of the on-coming vehicle had done the same thing. The crash then occurred.

Questioned by Mr. Nicholson he denied that he had at any time seen the Prowse vehicle until it suddenly loomed in front of him. He had seen the outline of a truck some 80 yards away, but not the car he later was in collision with, and could offer no suggestion as to where it had come from.

He estimated the speed of the vehicle he was passing at possibly 30 miles per hour. STILL BRIGHT Cst. Maitland said that it was still bright but getting on for dark when he arrived on the scene. He had turned his lights on to be seen rather than to aid in seeing.

Earlier on the road from Cornwall he had switched on his park lights when he met a vehicle similarly lit. So far as he remembered several other vehicles had met on the way in to the city had shown no lights.

The traffic proceeding from Borden that evening appeared to be travelling at ordinary rates of speed, the RCMP officer said. "There were no jokers," he added.

Judging distance at that hour of the day was rather more difficult than he admitted. To open the afternoon session Cpl. Humphrey was called to the stand to identify a number of photographs which he took of the scene both on the night of the accident and the following afternoon.

Asked about the visibility, the witness stated that after receiving the call at his home he travelled from there to the RCMP headquarters without the use of headlights but used them to go from there to the accident.

NO EXCESS SPEED On the question as to an estimate of the speed the two vehicles might have been travelling Cpl. Humphrey said that from the absence of skid marks of any length it would indicate to him that neither of the cars were travelling at an excessive rate of speed.

The next witness was Cst. MacDonald, who conducted the initial stages of the investigation. He stated that he received the call at the RCMP barracks at 8:20 p.m. Saturday, July 18th.

On the way out the witness said that he did not switch on his headlights until reaching West Royalty as the visibility was good. When he did turn them on Cst. MacDonald said he did so

only to facilitate his passage in the traffic. He estimated that he travelled the four mile distance in a little more than two minutes.

Cst. MacDonald said that he had another constable put in the call to Cpl. Humphrey and that he assisted the latter in taking measurements of the accident scene.

STIFF STEERING The 1958 Dodge, he said had stiff steering which he thought might be due to the collision damage. The brakes were soft and needed to be pumped by foot before they would take hold. The light switch was in the off position.

The car of the accused, a 1953 Pontiac, the steering was bent, the brakes were in a good condition, and the parking light switch was still on the "on" position.

The witness stated that he searched the vehicles and in neither case was there any evidence of liquor in the vehicles or coming from either of the drivers.

The next witness was Pibor George Porjus, Toronto, a research chemist employed by the paints division of the Ontario Research Foundation, who was a passenger in the back seat of the accused's car.

This witness estimated their average speed from the Borden ferry to have been between 40 and 45 m.p.h. Immediately prior to the accident Mr. Porjus said that he had been looking at the scenery when he felt the motion of the car that they were apparently turning out to pass another vehicle.

SAW CAR Shortly after the turnout the witness said he was aware of the motion of the car they were following down, and looking forward he observed another car coming toward them in the opposite direction and headed straight for them.

Both cars, he said, appeared to pull over toward the north side of the highway at the same time and he estimated that when he first saw the Prowse car it was about three or four feet north of the centre white line and the car they were attempting to pass was still abreast on their right side.

He did not think there was room enough for the accused to have driven between the two vehicles along the centre of the road.

Regarding the visibility at the time the witness said that toward the east, the direction in which they were travelling, the light appeared to be hazy or foggy in that light and due to the color of the Prowse car he testified that the oncoming vehicle was not clearly discernible.

Witness Mrs. Prowse stated that at the time she and her son were accompanying her husband Willard Prowse enroute to Meadowbank to inspect some cattle which they owned.

They were in the vicinity of the CFCY radio towers on the Trans-Canada Highway, shortly after 8:00 p.m. Saturday, July 18th, when the collision occurred, she stated.

VISIBILITY GOOD Mrs. Prowse said at the time the visibility was good although some of the cars they met were travelling with parking lights on. Their own car had no lights switched on.

When meeting some other vehicles travelling in the opposite direction the witness said that she saw the accused's car turn out of the line to overtake and pass other cars. As the other car approached she said that it

appeared to be headed straight for their own car, and when it was within a few yards her husband pulled over to his right so that the right-hand wheels were running on the shoulder of the road.

Asked about injuries, Mrs. Prowse testified that her son had three teeth knocked out and some injury to his nose, for herself she suffered a broken bone in the right wrist and also a broken rib in the left side.

Cross - examined by F. A. Large, Q.C., witness said that she estimated there was three to five cars between their own vehicle and that of the accused. She also stated that there appeared to be plenty of room for the accused to have passed down the centre of the highway between the two lanes of traffic.

ACCUSED ON STAND The next to take the stand was the accused, who stated that he was a structural designer of highway bridges, and had arrived in Canada from Hungary two and one-half years ago.

TOUR SOUVENIR Speeder Fined STILL ON SALE In City Court

In response to requests by a number of readers, a small additional supply of this newspaper's Royal Tour Souvenir Edition has been made available.

Some newspaper experts in other provinces have described this special edition as the finest publication of its kind produced during the Canadian tour of Her Majesty, which draws to its close today. It provides a vivid outline, in pictures and words, of the part played by the island in the all-Canada welcome to the Queen and His Royal Highness Philip.

Those desiring copies should secure them at once from the Circulation Department of The Guardian, for the supply is limited.

Charged with speeding, a Charlottetown man was fined \$25 and costs on 15 days when he appeared before Magistrate K. M. Martin yesterday.

Court was held yesterday at 12:30 to permit the City Police to take care of city traffic while Her Majesty Queen Elizabeth and His Royal Highness Prince Philip left the city for the airport.

Other cases on the docket included six Charlottetown drunk and incapable. One was sentenced to 30 days, two were fined \$20 and costs or ten days, two more were fined \$10 and costs or five days and the other was fined five dollars and costs or five days.

A motorist who went through a red light was fined \$10 and costs or five days.

PECULIAR DEATH ALGERS (AP) - The French government announced Friday that Aissat Mbr, Algerian trade union leader, died in a French military hospital last Sunday of severe burns suffered when his bedclothing caught fire in a detention camp.

The International Confederation of Free Trade Unions has called for a thorough, independent inquiry into the circumstances of his death.

The Royal visit and made the local yacht club their temporary headquarters.

40 Small Craft Greeted Queen One of the greatest flotillas of small craft seen in the harbour in many years went out from the Charlottetown Yacht Club Thursday morning to greet the Queen arriving on H.M.Y. Britannia.

There were more than 40 boats of all types from the snipe-boats to the 50-horsepower cruisers. There were outboards, cabin cruisers with both sail and power and even yawls.

The locally-owned boats were accompanied by a large number of visiting craft whose owners were in port here especially for

Occupying the pulpit of Trinity Church for the next three Sundays will be Rev. Lawrence E. Toombs, B.Sc., B.D., Ph.D., professor of Old Testament Literature and languages at Drew University, Madison, New Jersey.

An outstanding scholar and gifted speaker, Dr. Toombs is being welcomed to his home church which he attended throughout his boyhood years. He is a son of Mr. and Mrs. Edmund Toombs, City.

The whippet was produced by crossing fox terriers and Italian greyhounds, then breeding back to English greyhounds.

gave a clear signal on his car horn. Asked about other cars that he had met travelling toward Borden the accused said that he had noticed some of them were travelling with parking lights switched on.

Speeder Fined In City Court

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AT 1ST BAPTIST

The pulpit of the First Baptist Church, Charlottetown, will be supplied during the first four Sundays in August by the Rev. C. J. Griffith, minister of the Roger Williams Baptist Church, Providence, Rhode Island.

Mr. and Mrs. Griffith with their two sons, Jeffery and Douglas, arrived in Charlottetown yesterday. Mr. Griffith comes to the pulpit of the First Baptist on the basis of a mutual exchange with its pastor, Rev. H.L. Milton, who is supplying Mr. Griffith's pulpit for the same period in Providence.

In addition, Mr. Milton plans to attend a school for religious broadcasters at Ridgecrest, N.C. during the last week in August.

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Sentence Passed For Mail Theft

A sentence of six months imprisonment in the Queens County Jail was yesterday imposed upon Maurice Hughes, of Charlottetown, by Judge C. St. Clair-Trainer, in Queens County Court.

Hughes was convicted on a charge of theft from the mails. The evidence had been completed at a previous hearing, at which time it was revealed that while the accused had been a temporary employee in the Charlottetown Post Office during the Christmas rush in 1958, he had

been observed by a postal investigator placing a letter, addressed to a Charlottetown business firm, in his hip pocket.

Before passing sentence Judge Trainer in his summation said that the evidence offered by the accused had failed to do anything toward the destruction of the testimony presented by the crown nor would it raise any reasonable doubt.

Counsel for the accused was R. R. Bell, Q.C., and the crown was represented by John P. Nicholson.

Queen Watches Fireworks Show

Her Majesty made an unscheduled appearance at the fireworks display held Thursday night at Victoria Park.

The Queen walked on to the porch of Government House to view the beautiful display and when she was spotted by the milling throngs that jammed the park area a mighty cheer ripped through the night air.

Flags Missing Reward Offered

It seems that one or more residents of the province, faced with the problem of giving Queen Elizabeth and Prince Philip a proper greeting, descended to vandalism in order to pay their respects.

A well-known St. Peter's Road restaurant owner, who had his premises well decorated with flags for the Royal occasion, found to his dismay, on the morning of the Royal Visit, that his restaurant was no longer so well decorated.

As a way of seeking an answer to this mystery, the proprietor is offering a \$15 reward for information concerning the culprits.

Stalin Called A 'Dictator'

MOSCOW (Reuters)—A number of Russians are disturbed at Encyclopaedia Britannica descriptions of Hitler and Stalin as dictators, guides at the book display in the American Exhibition reported Thursday.

The guides said the puzzled Russians would read the two sections concerning the men and then heatedly remark: "Hitler is described here as a dictator. Stalin too is described as a dictator, why?"

The Americans reply "it is a standard work of reference, a book of facts about the world." Many Russians reply "why doesn't it say Hitler was a bad dictator and Stalin a good dictator?"

Fashion Show Ends Friday

By PEGGY MASSIN PARIS (Reuters)—Paris designers ended their fall and winter shows Friday leaving one major fashion unsettled - whether milady's knee will be conspicuous or concealed this year.

Guy Laroche, last of the big-name designers to show his collection, went along with the knee-cap look, following the trend started by Nina Ricci and confirmed by Yves St. Laurent in the Christian Dior show Thursday.

What Do I Get Out Of It?

The unknown author of Theologia Germanica says, "A love of God is better and dearer than a thousand hirelings." The hireling serves for pay. The lover of God serves out of love for him.

His pay is the joy of serving. "What do I get out of it?" is a question that is much in our thoughts if not on our lips. In some of life's situations the question needs to be raised, but there are areas of living into which it cannot intrude without robbing life of its highest and best.

The founders of the British and Foreign Bible Society were men prompted by the spirit of love. They not only gave of their personal material possessions but placed a great part of their lives to promoting the translation and distribution of the Scriptures.

The Society's leaders and workers of today are for the most part, volunteer workers imbued with the same love for God and a desire to see that all men have access to God's Word in their own language.

The increasing demands for the Scriptures in the face of rising costs has placed a heavy strain on the financial resources of the Society, in fact it has been necessary recently to drastically curtail production. The question we must ask ourselves is not, "What do I get out of it?" but "What can I give in money and service?"

We may also help by purchasing religious supplies at The Bible House the profits of which are used to maintain and extend the work.

DRIVE-IN Theatre

JOHN WAYNE THE BARBARIAN AND THE GEISHA CAPTOL

COMING MON. AND TUE.

YUL BRYNNER JOANNE WOODWARD MARGARET LEIGHTON THE SOUND AND THE FURY

LOVE AND TRANSGRESSION IN THE SOUTH!

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Come as you are... Bring the KIDDIES!

LOCAL BRIEFS

FUEL TANK MOVED The Maritime Electric Co., Ltd., is moving its fuel storage tank which is now located in the vicinity of their plant in Charlottetown to the rear of Carter's warehouse on Grafton Street East. The capacity of the plant will remain unchanged.

ACCIDENT VICTIM Master Wayne Maddigan, son of Mr. and Mrs. Gerald Maddigan, Pownall Street, is progressing favorably in the Charlottetown Hospital following his serious accident a week ago.

TEACHER APPOINTED Miss Mildred Mullins has been appointed to the teaching staff of the Model School of Prince of Wales College, her appointment was announced yesterday by Premier Matheson following a meeting of the Executive Council.

ROBBINS FUNERAL—The funeral for Mrs. Neil S. Robbins was held yesterday afternoon from the MacLean Funeral Home to Marie United Church for service conducted by Rev. J. M. Sheen. During the service a quartet composed of Gordon Coffin, Layton Coffin, Jack MacCallum, Lloyd Anderson sang "The Old Rugged Cross". Interment was in Marie Cemetery. The pallbearers were: Stirling MacSwain, Robert MacSwain, Hugh Robbins, James Robbins, Russell Dingwey and Kenneth Dingwey.

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All Copy for Church Page Must Be In By 5:00 p.m. Thursday