

Social and Personal

Rev. Canon Hincks is spending this week in Toronto.

M. E. Storms, who has spent the past five months in Florida, returned to Haileybury on Saturday and reports a very fine winter in the south.

Mrs. H. S. Hennessy has returned home after spending the past few weeks in New York and Atlantic City.

Mrs. J. W. Morrison, Main St., left on Sunday evening for a week's visit with friends in Toronto and Hamilton.

Miss Margaret Harris spent the Easter holidays at the home of her sister, Mrs. J. C. Perry, Kirkland Lake.

Miss Jessie Poppleton left yesterday for Timmins, where she will enter St. Mary's Hospital as a nurse-in-training.

Mr. Jos. Meredith suffered a painful injury to his foot, when a log of wood fell on it at the Prospect Nursery on Sunday night.

Jack Hennessy is reported ill this week, suffering from an attack of appendicitis. He is a patient at the Misericordia Hospital.

McKinlay's Service Station on the corner of Main and Rorke is now open for business. If you want your car wellgreased, oil changed, or need a tire repaired, we are at your service.

The annual meeting of the Women's committee of the Haileybury Golf Club will be held in Hotel Haileybury on Tuesday, April 21st, at 3 p.m. Every woman member should be there.

His Honor Judge Hayward, who with Mrs. Hayward spent the winter months in Florida, arrived home late last week after a very pleasant stay in the South. Mrs. Hayward is in Toronto, where she will spend a week or two before coming home.

Haileybury Lodge, I.O.O.F., is planning to hold a dance and bridge in the Temple on Broadway Street on Wednesday, April 22nd, when a good evening's entertainment is promised. Cards will commence at 8 and dancing at 9. The admission is 50 cents.

The boys of the Trail Ranger and Tuxis Groups held a very successful bazaar in the basement of the United Church on Saturday afternoon. A fine collection of curios and a miniature golf course were among the attractions shown and the proceeds were highly satisfactory.

Spend Night on Lake Ice After Breaking Jail

Youths Blamed For Burglaries Here Make Escape; One Has Surrendered

The two youths who were arrested in North Temiskaming following a series of burglaries, and later found in possession of goods identified as belonging to local stores, escaped from the Ville Marie Lock-up on Monday evening, spent the greater part of that night on the ice of Lake Temiskaming and finally reached this side a mile or so below Haileybury early Tuesday morning. One of the boys, the younger of the two, surrendered himself to Chief of Police MacGirr, on the advice of relatives, and is now being held here. It was not thought that the other boy, who is believed to be the one really responsible for the deprivations, could remain at large very long. The two youths had appeared in police court at Ville Marie on Tuesday, April 7th, and were remanded for a week. On the eve of their second appearance, they made good their escape from the jail and started across the ice. Both have their homes in New Liskeard and the older youth, Wesley Pochette, is on suspended sentence for a former charge. The boy who gave himself up is Hector Gagnon and this is said to be his first time he has been in trouble with the police.

Criminal Charge Against Driver of Car Dismissed

Judge Rules Previous Trial and Acquittal Disposes Of Present Action

Taking the view that, in substance and in fact, the accused was being placed on trial a second time for an offence on which he might have been convicted before, Mr. Justice Garrow, at the resumed Assizes sittings here Tuesday afternoon, ordered the release of Henry Stoltz, young man from Kirkland Lake, who faced the court on a charge of causing bodily harm through negligence to Horace Bailey. The case was the outcome of a fatal motor accident in Kirkland Lake on Sunday, July 6 last, and Stoltz appeared at the December Supreme Court sittings on a charge of manslaughter, and was acquitted.

At that time, another count, involving furious and reckless driving, had been returned as a true bill by the Grand Jury, but this case was traversed to the present sittings, according to W. S. Haney, Crown Prosecutor. In the interval, and on instruction from the Attorney-General's Department, the charge was amended to another section of the Criminal Code, and on the altered count another true bill was returned. On Tuesday, M. G. Hunt who appeared for Stoltz, successfully entered a plea of "autrefois acquit", submitting that, as the same set of facts were to be presented by the same witnesses, as in the manslaughter case, the acquittal already rendered "was a full answer for whatever crime may have been committed."

"You are, I must say, an extremely fortunate young man" said the judge, addressing Stoltz before freeing him formally. Mr. Justice Garrow said he sincerely hoped the other jury was right, "but you will have the knowledge that you were the unhappy and unfortunate cause of one man's death and serious injury to another." In discharging the jury which had been sworn in for this case, said neither the panel nor himself was responsible for the other jury's finding, but that he felt, in the circumstances, the present charge must be held to have been included in the major count laid by the Crown following the accident.

In the accident involved, Stoltz was alleged to have been the driver of an automobile which got out of control, with the result that Maurice Whelan, a passenger, was killed instantly, and Bailey, who was on the road at the time, was badly hurt. In court on Tuesday, it was stated that Bailey would make a 95 per cent. recovery. Mr. Justice Garrow held that, if criminal negligence had been committed, and the previous jury had said it had not, it had existed before the circumstances which led to the manslaughter charge. Referring to a recent amendment in the Criminal Code, and dealing with similar cases, the judge said that, whatever the law had been before, now if a charge of manslaughter was laid, there may be a conviction on criminal negligence, but this would be a bar to further prosecution, and he presumed an acquittal under the same charge would prevent him from going on trial again.

Mr. Hunt raised the special plea as soon as the case was called but, on suggestion of Mr. Haney, a jury was sworn in and then sent to the jury room until the legal argument was disposed of. The defence counsel said the full set of circumstances that had played their part in the manslaughter charge were involved in this charge, and that the same set of facts would be presented by the same witnesses. He submitted that the acquittal already returned covered the present circumstances. The judge asked if

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there were not two separate bills pending at the same time, and Mr. Hunt agreed, but contended that the acquittal on the one meant that was as far as the Crown could go. He made reference to a Supreme Court of Canada case, Barton versus the King, quoting the judgments of that tribunal to support his viewpoint.

"Could there not be criminal negligence involved in the case of the injury and the absence of criminal negligence involved in the killing?" queried the bench, to which Mr. Hunt replied, "Only if the jury was presented with different evidence." The judge said he thought there had been a substantial interval of time between the killing of the one man and the injuring of the other, but the lawyer claimed that whatever had happened had occurred before either event.

For the Crown, Mr. Haney pointed out that this was an unusual plea, and that the practice had been to submit it in writing. The Crown, he said, had placed two matters before the Grand Jury at the last Assizes, and the second charge had been traversed to the present sittings for lack of time to dispose of it then, other criminal matters being similarly dealt with. The only difference now, Mr. Haney said, is that in the meantime the Attorney-General's Department at Toronto, on the facts brought out, had instructed the Crown to lay a charge under section 284 of the Criminal Code. He reminded the court that the true bill under the other charge, laid under section 285, had not been disposed of, but might be proceeded with if the Crown so decided. Referring to the Barton case, Mr. Haney said the law had been amended since then (1928).

Finally, Mr. Justice Garrow ruled that the "autrefois acquit" plea had been established and the accused must be set free. The bench said that, in his view, since a jury had found Stoltz not guilty on the manslaughter charge, this meant he could not be placed on trial on the other charge at this court. Accordingly, he ordered the charge quashed, and the count under section 285 was dealt with in similar manner. The jury was then sent for, acquainted with the decision of the court and formally discharged.

MOTOR FROM TORONTO ARRIVED ON TUESDAY TO OPEN HIGHWAY

Traffic over the Ferguson Highway from Toronto to this town was opened for the season on Tuesday, when a motorist from the city arrived here and reported the roads almost clear of snow. At two points between here and North Bay, he found it necessary to stop and shovel a bit of snow, but there was nothing to cause him great delay.

The road to the north is about ready for traffic as well, and cars were driven down from Kirkland Lake and Rouyn this week, bringing some of the parties interested in the cases being heard at the Supreme Court sessions. The snow is practically gone in all sections and the roads are said to have stood the winter without much damage.

A lecture, with lantern slides, on a trip to the Peace River will be given in the basement of the United Church, Haileybury, April 21st at 8 p.m. Admission, adults 25c. Children 15c.

For Sale - Used Furniture and Lighting Fixtures. Apply to H. D. Burnett, Latchford St. 2-1.*

CLASSIC THEATRE COBALT - ONTARIO

FRI.-SAT., APRIL 17th-18th MON.-TUES., APR. 20th-21st WED.-THUR., APR. 22-23

WANTED! DEAD OR ALIVE BILLY THE KID The daring adventure of the famous boy bandit of the West, back in the colorful 70's

with John Mack Brown, Wallace Beery, Kay Johnson, and Karl Dane. Comedy "The Pest" with Tom Howard. "Fishes Stew". "Terry-toon"

KEEP YOUR PLACE WITH THIS BOOKMARK SEE AS WELL AS READ THE WORLD'S MOST DRAMATIC LOVE-STORY! CARLLAEMMLE presents EDWIN CAREWE'S PRODUCTION OF TOLSTOY'S FAMOUS STORY RESURRECTION JOHN BOLES LUPE VELEZ NANCE O'NEIL Produced by CARL LAEMMLE JR.

Comedy "Don't Leave Home" with Johnny Hines, and "Who Killed Rover", an all dog comedy.

TIFFANY Presents BOB STEELE in HEADIN NORTH Bob Steele packs a wicked punch in his newest picture... A whiz of a Western... filled with fists... gripping with gunplay... bloody with battles!

Special Added Attraction "Once A Sinner" with Dorothy Mackail, Joel Halliday and C. Henry Gordon. The story of an old problem. Can a girl share a man's future without making him sharer in her past? Comedy "Oo La La" with Slim Somerville.

Clover Valley News

Mr. John G. McLean has returned to Toronto after spending the winter at his home in Clover Valley.

Mrs. Montgomery and her daughter, Vivian, of Kapuskasing spent a couple of weeks with Mrs. Montgomery's parents, Mr. and Mrs. James McConnell.

We are glad to see Mr. McConnell able to be out again after an attack of the flu.

Mr. Tom Cook has returned home from Kirkland Lake, after spending a few weeks there.

The Clover Valley Women's Institute met at the home of Mrs. C. R. Plaunt on Wednesday last.

CHURCHES

The United Church Rev. D. A. MacKeracher, B.A., Pastor Mr. R. H. Unwin, Organist and Choirmaster. 11 a.m., 7 p.m.—Public Worship 2.30 p.m.—Church School Fri., 8 p.m.—Choir Practice An illustrated lecture on the Peace River district will be given on Tuesday, April 21st, at 8 p.m.

Albert Gospel Hall ALBERT STREET Sunday, 11 a.m.—Commemoration of the Lord's Supper. 3 p.m.—Sunday School and Bible Class. 7 p.m.—Gospel Meeting (Evangelistic) to which all are cordially invited. Wednesday, 8 p.m.—Meeting for Prayer and Bible Study. 3 p.m.—Women's Prayer Meeting. Women's Missionary Meeting first Wednesday of each month; place of meeting arranged monthly.

The Baptist Church Pastor—J. W. Cordwell Sunday School—10 a.m. Public Worship—11 a.m. Prayer Meeting—Wednesday, 7.30 p.m. Salvation Army Sunday Morning Service at 11 Sunday Evening Service at 7.30. Sunday School—2.30 p.m. Tuesday, 8.00 p.m.—Prayer Meeting Friday, 7.15 p.m.—Junior Meeting. 8.00 p.m.—Y. P. Legion Meeting. All are cordially invited.

Owing to the bad roads, the attendance was small but a very interesting meeting was held. The next meeting will be the annual one and will be held on May 6th, at the home of Mrs. Wm. H. Rice, Haileybury.

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These Want Ad's Bring Results WANT AD'S

Pasture—Having leased the Farr Farm, I am now prepared to pasture horses and cattle. A. J. MacRae, North Cobalt; phone 1312. 2-3pd.

Part Time Man Wanted—Established electric washing machine manufacturer requires services of a reliable man who can devote part of his time to selling our washers and electric ironers in Haileybury and vicinity on commission basis. We put you in business for yourself, supply washing machines and ironers and finance the account no capital required. We would also consider giving the successful applicant the franchise for our line of furnaces, automatic oil burners, chicken brooders. These are all sold on easy time terms. Apply Box 2, Haileybury. 2-1c.

For Sale—Radiola 17, batteryless, 7 tubes, first class condition. Apply to W. T. Joy, Court House, Haileybury. 1-1c

For Sale—Heintzman piano and a sewing machine. Apply to Mrs. L. D. Bryan, Brewster St. 1-2c.

For Rent or Sale Cheap—Two pianos, also three phonographs Apply MacLean's Studio, Hotel Haileybury. 1-3pd.

For Sale or Rent—Small house, Probyn Street. Apply at Haileyburian Office. 51-tf.

For Sale or Rent—The Branchaud Residence, Probyn Street, with garage in connection. Apply to Jos. A. Legris. 8-tf.

Upholstering, Furniture repairing and general work done at reasonable prices. George Decarie, 44 Little St., Haileybury. 51-4p

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For Sale—Six Roomed House on Blackwall Street; all conveniences; very easy terms. Apply at Haileyburian Office

Factory Representative Established Electric Washing Machine Manufacturer requires a Representative to look after Sales, Service and Collections. Washers sold on time payment plan. Please state qualifications in your reply to Box 1, Haileyburian. 1-2c.

For Sale Cheap—Bungalow on Latchford St. Six rooms, garage, all conveniences. Apply to E. D. Whorley, Florist, Main St. 51-tf.

SEE OUR TABLE OF SPECIALS at \$1.00 There are many useful and beautiful articles worth far beyond the price A. W. SANDERSON JEWELER AND STATIONER