

Kids hold carnival

A Penetanguishene girl organized and ran a mini-carnival to raise money for Muscular Dystrophy last Friday.

Heather Garrett, with the assistance of Patty Ronald, organized the affair which attracted about 18 children, ranging in age from two and a half to 11. They managed to raise \$6.00 for the charity by giving the children a chance to throw darts at balloons, bob for apples, fish in the fishpond or play bingo, all for five-

cents apiece.

The girls bought the prizes for the events with money they earned by selling vegetables, grown in the Garretts' garden, around the neighbourhood.

The carnival ran from 11:00 in the morning until about 4:00 in the afternoon.

Also presented for the amusement of the children was a puppet show, put on by Heather Garrett and Patty Ronald.



Children support medical research

Heather Garrett and Patty Ronald entertain a group of children at the carnival they held to raise money for Muscular Dystrophy. They made about

\$6.00 on the event which was held Friday afternoon. Children aged two and a half to 11 years attended and spent their money for a good cause.

Arena

Malcolm seemed to be referring to a proposal which was presented at council on Monday night by councillor Miles

Blackhurst which made some recommendations including the incorporation of a civic centre into the new arena

building.

The proposal made by Malcolm and the drawing he showed to the board, made provision for activity rooms, a dozen change or dressing rooms, offices for the arena staff, and a snack bar.

"The building would be a one level one except for a broadcasting booth and a music room which would be located above the activities room," said Malcolm.

There will also be a change room which is accessible from the outside so those who are cross-country skiing can use the room as a place to get warmed up and put on their equipment.

The twin ice surfaces will require an area of about 100 square feet. This size building could fit into the old location of the

Midland Arena Gardens and Malcolm told the board he thought this would be an "excellent" location.

Each ice surface will be a regulation 200 by 85 feet and will be side by side. The main ice surface will have two sides of bleachers while the second ice surface will have only one set.

While each rink will have six dressing rooms, there will be one room set aside for the Flyers since "they seem to be a permanent fixture around this town" said Malcolm.

Blackhurst, who had presented the proposal on Monday night told Malcolm this was exactly the type of proposal he had hoped he would come up with.

"You have incorporated a civic centre

into this building—you've made the new arena into a civic centre," said Blackhurst.

Blackhurst said he felt by doing this Malcolm had released the present civic centre located in the Armory.

Malcolm said he felt this was not so. When the topic turned to cost Malcolm said all he could give would be a "strictly ball park" figure and this he set at \$1.7 million.

The meeting also received again the report of the fire marshal which set the cause of the blaze as "undetermined."

The insurance on the building is set at \$597,000 and \$9,000 for the contents.

The contents of the building are a complete write off and non-salvageable.

Court news

Theft of antique clocks leads to jail

A 17-year-old Cedar Point man was convicted in Penetanguishene court last Thursday, of break, enter and theft.

John Deschamp pleaded guilty to breaking into a residence on Rural Route three, Penetanguishene, and stealing \$465 worth of property and drinking a beer, during the period of May 30 to June 11.

and the owner of the merchandise saw them in the store. When Deschamp returned to sell more clocks to the proprietor of the store, he was apprehended.

Judge Len Montgomery remanded Deschamp to September 2 for sentencing while a pre-sentence report was prepared.

Impaired driving
Two men were convicted of impaired driving at Thursday's court session.

Thomas Richards, 44, was stopped by police on Highway 12 in Tay Township, after having been noticed driving

erratically on King Street in Midland. He was charged with impaired driving. He pleaded guilty and told the court he had been on antabuse, a drug which prevents an alcoholic from drinking, for five years, but had had a relapse.

He was given the choice of a fine of \$225 or 30 days in jail, with 90 days to pay.

John R. Anderson was also convicted of impaired driving after entering a guilty plea.

The crown said Anderson was driving a pickup truck south on the old Penetanguishene Road on August 7 in Tiny township when he was pulled over. Police took him to the detachment for a breathalyzer test, which showed readings of .200 and .210, substantially above the .08 legal limit.

The 48-year-old father of five children received a sentence of \$175 or 15 days in jail.

Refusing breath sample
Clifford Dorion, 38, pleaded guilty to a charge of refusing to provide a sample of his breath for the purposes of a breathalyzer test. The father of six children is employed at Decor Metals in Midland.

He was sentenced to a fine of \$125 or 15 days in jail, with 15 days to pay. Impaired and refusing a sample

A Tay Township woman received a total fine of \$450 or 45 days in jail after being convicted on charges of impaired driving and refusing to give a breath sample.

Wilma Maxwell, who lives about a mile outside Port McNicoll, pleaded not guilty to the charges.

The first witness, Constable McWhirter of the Ontario Provincial Police, Midland Detachment, testified that on August 19, 1975, at about 6:45 p.m. he had watched as a vehicle ran into a sidewalk and stopped on Third Avenue in Port McNicoll.

He said he found Maxwell in the car, alone, and testified that there was an odour of alcohol coming from the car, and

that Maxwell staggered when she attempted to get out of the car.

McWhirter said he read the standard breath demand to her and she got back into the car and tried to drive away. After a short tussle, he managed to get the keys away from her and at that point her husband came along and helped McWhirter get her into the cruiser.

At 7:45 he turned her over to the breathalyzer operator, Constable Weise. McWhirter testified that he saw Maxwell attempt to suck on the delivery tube of the breathalyzer machine and that she never did give an adequate sample for a test to be made.

Under cross examination, he testified that Maxwell had had no trouble getting her purse from the front seat of her car and that although he had noted that her face had been flushed at the scene of the arrest, he later noted that it was not flushed while they were at the detachment.

McWhirter also admitted that he had not attempted to give Maxwell any of the standard physical tests to check for impairment.

"The second witness, the breathalyzer operator, Constable Weise, said Maxwell was unsteady on her feet and spoke in a very loud voice and was belligerent. He said when she was asked to give a sample of her breath, she sucked on the machine.

He testified that at one point she had taken some "room air" into her mouth and had puffed it into the machine. He said that although this sample gave a reading of .09

enough to convict her of excess alcohol, he felt the sample was not a proper one. He said it did not represent "deep lung air" which is necessary to get a proper reading.

McWhirter also testified that he had met Maxwell on other occasions, both when she was sober and when she was drinking. He said he could tell the difference, and he could

tell that on the night in question, she was impaired.

The first defense witness was Dr. Charles Allan Talbot, Maxwell's physician. He testified that Maxwell had bronchitis and that a specialist's report had been done on her in Toronto. However, when asked whether Maxwell could expel air in the same manner as anyone else, he answered yes.

Maxwell testified that she had been working in her garden on the day of the incident, and that she had decided to take some of her vegetables to the Legion. She said she only had two beers while she was there. She said she dropped her keys on the ground as she returned to her car and when she bent over to retrieve them she experienced a pain in the abdomen. She drove for a while, but the pain was too great and she pulled over in the rather unorthodox manner noticed by Constable McWhirter.

She testified that at the station she had tried her best to blow into the device, but that she had always had problems blowing up balloons, even as a child, and that she had problems sleeping because she had trouble breathing properly.

The crown attorney pointed out to the court that on a previous occasion Maxwell had been asked to take a breathalyzer test and had had no difficulty providing a sample at that time.

In summation, the defense attorney said that all the evidence had been consistent with being in poor health and being angry with her husband, which she testified she was. He said with regard to the refusal charge, that she had tried her best to give a sample and that in fact the police had been able to get a reading of .09 so she had in fact provided a sample.

The crown argued that anger or illness was no defense against a charge of impaired driving, and that she had not proved she was unable to provide a proper breath sample.

The judge decided that the police had had proper grounds for making the breath demand and that she had refused to take the test. He said he felt did not have a reasonable excuse not to take the test and went on "the court feels she was purposely avoiding blowing into the machine."

On the charge of impaired driving, he found that driving in the manner described by Constable McWhirter was not normal, and that the evidence of both McWhirter and Weise, that she had been antagonistic and unsteady on her feet, showed that she had indeed been impaired.

He fined her \$250 or 25 days in jail on the breath refusal charge, and \$200 or 20 days on the impaired driving charge.

R

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Great Family Entertainment for the Whole Day

12:30 p.m.: Film "Cooper of Williamsburg", Orientation Centre (40 minutes).

1:30 p.m.: 1st Show: Fort York Guard Battle Drill, includes firing one pound cannon, Establishments Guard Battle Drill, includes firing large cannon. Officers' Quarters.

2:15 p.m.: Display of 19th Century Crafts Throughout 17-Building Historic Site. Pioneer cooking, soap making, nature dyeing, spinning by members of the Huronia Spinners Guild, and naval knotting and splicing. Displays continue all afternoon.

3:30 p.m.: 2nd Show: Fort York Guard and Establishments Guard battle Drill with Cannon Firing and Fifes and Drums.

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