FOUND BOTH PARTIES

Award in Marshall-Kerrison Case-Action Against Fair Association is Heard.

The case of James Marshall, Helen Marshall, Helen Douglas and Elizabeth Douglas against Stanley Kerrison, Jr., and Stanley Kerrison, Sr. was concluded early on Friday afternoon and the evidence given to the jury which returned a verdict shortly after the sessions opened for proceedings on Friday night. The jury found that negligence was contributory by both sides on a basis of 60-40, Kerrison being found 60 per cent. responsible and the plaintiffs 40 per cent. The claim was for \$2, 000 damages as a result of the accident but the jury granted the following: James Marshall, \$460; Helen Marshall. \$160; Helen Douglas, \$150 and Elizabeth Douglas, nil.

The jury found that the accident was caused by negligence on part of Kerrison because he had approached the intersection at too great a speed and had not enough attention to the Marshall car. It was also found by the jury that the plaintiff could have, by exercise of reasonable care, avoided the accident by approaching the intersection at which the accident occurred at a slower rate of speed.

The first witness for the defence Marshall car on Albert street and corporated body. passed it near the corner of Johnson and Albert streets. Clow said and throat specialist, was the first sult of this warning. tween Brock and Johnson streets and wanted to turn down Johnson

Mr. Cunningham in addressing the jury pointed out that it was necessary for the plaintiff to positively the Historical Pageant held in 1924. establish that the accident was caus- questioned by Mr. Herrington, said ed by the negligence of the defend- that he had made dealings with Mr. ant. He referred to the fact that the R. J. Bushell for presenting the evidence was very contradictory, giv- pageant at the fair in 1924. So far ing examples of this in the evidence as he knew, none of those taking that had been taken.

jury, made a resume of the case, lieved the Fair had got any money dwelling on different evidence with there was. Correspondence between regard to the rate of speed of the witness and Mr. Bushell was pro-Marshall car and bringing out that duced. Witness did not know who something must have struck the rear brought the organizer here for the of the Marshall car to cause it to pageant. The idea of having the swerve and turn over as it did.

addressing the jury pointed out that them placed at the fair grounds for most of the jury cases in the last the pageant. The R.C.H.A. had sent few years had been furnished by up the guns. cars. He supposed that three out of John Smith, called by Mr. Herfive or even three out of four jury rington, said that he was working cases were about cars. The car, he for Herbert Orser when he got hurt. said, was here to stay until some- He had started to work the week bething faster took its place and it fore the accident occurred. Mr. Ormust be reckoned with.

plaintiffs and A. B. Cunningham connection with the pageant. was counsel for the defence.

Grand Jury Report. was ready to present its report and was returning around the left side in the pageant. the presiding judge consented to ac- of the grand stand, the side nearest

foreman, James Daley, and told of the side through a crowd of people a thorough trip of inspection made to near the judge's stand where the ference between counsel and the front of the grand-stand. by the members of the Grand Jury accident occurred. Smith said he judge and it was divulged that He said there was another horsethrough the Jail, the Eastern Dairy did not see any gun and no one had, counsel for the plaintiff needed fur- man but in a costume. There were Kingston General Hospital, Orphans' In reply to questions, witness present moment and with the con- Martin was certain that Smith was Home, St. Mary's-of-the-Lake, Hotel stated that he did not know when sent of Mr. Rigney, the judge con- the same man who was struck that Dieu, House of Providence and he regained consciousness. He was sented to wait until the morning for night at the Fair Grounds. Home for the Aged. The jury found at the Hotel Dieu Hospital for seven- this particular evidence and in the Harold Ackerley swore that he everything to be in first-class condi- teen days. The bill for everything meantime go on with other evidence saw Smith at the Fair Grounds. He tion. The report commented upon was \$300.

on those in charge of them.

to the poor heating system in the him that a cannon was to be fired such a large building. They also megaphones. recommended a toilet and lavatory to be installed in the visiting judge's room, also better ventilation in the Court Room chambers.

Thomas Smith's Action. Following the reception of the Grand Jury's report, the Thomas Smith vs. Kingston Industrial Agricultural Society case was proceeded with and the following jury selected:

defendant. damages for injuries received when indication, he said, that the gun was a gun was fired at the Fair Grounds to be fired. He saw Smith six or

Kingston Izdustrial Agricultural So- track and there was no fence in front ciety was not an incorporated body of the gun.

Johnson street, after the Marshall O'Connor stated that he had never was nobody on the track. car had passed, Clow heard the crash examined Smith's eyes before. Dr. and went to the scene of the acci- Ambrose Lawlor and J. E. Kane also Dr. O'Connor's statements.

Col. J. N. S. Leslie, chairman of part in the pageant had received any Mr. Shea, in his address to the money for their services. He beguns had been suggested by him and His Lordship Mr. Justice Grant in he had secured permission to have

ser had said the Fair would pay Ambrose Shea represented the Smith \$2.50 a day. He did work in behind the gun.

On the day of the accident he had been told that he was to help take Before proceeding with the next helped to put a piano up in the feet when the cannon was fired. the stables. He went, he said. The report was presented by the straight across the track, then along

and the jury heaped words of praise | ney declared that there was a crowd back of the track. He denied that The jury took exception, however, anyone had stopped him and told Court House, finding the furnaces and was not warned. He stated that not of sufficient heating capacity for he did not see any mounted men or

> It was now nearly six glclock and court was adjourned until 7.45, the presiding judge being very anxious to get the evidence in the case last

> > Another Night Session.

Fred Timms was the first witness called by Mr. Herrington in the evening session and he declared that he had been around the midway on J. B. Bunt. Robert Webb, Frank the night in question and had come Caldwell, Henry Breathwaite, Pat- up the track and stood at the west rick Hogan, Jr., William Healey, side of the judges' stand. He did Ernest Godfrey, Joseph Clarke, Her- not see the gun at first because it bert Dowker, Robert Gibson, Sr., J. could not be plainly seen. He was Davidson and Daniel McGowan. seven feet from the judges' stand W. H. Herrington appeared for the and was right beside the gun. He plaintiff, Thomas Smith and T. J. stood there for about half an hour. Rigney and Ambrose Shea for the He heard no warning that the gun was to be fired nor did he see anyone Plaintiff's claim was for \$10,000 giving a warning. There was no during the pageant held at the fair seven feet west of the gun. In answer to Mr. Rigney, witness said that Before any evidence was taken, T. the carriage of the gun was not on J. Rigney offered defence that the the track. The gun was not on the

despite the fact that it holds a year- Percy Dowsley stated that he ly fair and therefore no claim could stood between the wheel and the be made against it. After consulta- muzzle of the gun for about ten mintion, it was decided to go on with utes. People were warned to get the evidence and at the end of that away from the gun. The warning. called in the afternoon when the time to produce evidence to show he said, was given quite loudly and whether or not the Kingston Indus- plainly. Three minutes elapsed becess was Frank Clow who saw the trial Agricultural Society was an in- tween time of the firing of the gun and the last warning. People had Dr. C. E. O'Connor, eye, ear, nose crowded away from the gun as a re-

he was going along Albert street be- witness called for the plaintiff and Fred Belwa, who was also present stated that he had attend- said that he heard no warning that ed Smith and had treated him a gun was to be fired. Percy Potter street but was afraid to do so on for injuries received in the accident said he stood at the south side of account of the great speed of the at the Fair Grounds. His left eye, the grand stand when the gun went approaching Marshall car, which he he said, was blind and without life off. He neither heard nor saw warndeclared was travelling at 35 miles and he could not distinguish light ings. There were people moving an hour. When one-third way down from darkness with the left eye. Dr. around the judges' stand but there

John Couper stood at the judges stand for fifteen or twenty minutes gave evidence, practically confirming, and neither heard nor saw any warnings. He did not know the gun was to be fired nor did he see any men

Mr. Rigney-"Did you see Smith before the accident happened?" Witness-"I saw Smith coming down the track."

Mr. Rigney-"Did you see who fired the gun?" Witness-"No." Mr. Rigney-"Did you see Smith

Witness-"No." Mr. Rigney-"Did you see anybody else on the track?"

in any argument?"

Witness-"No." Mrs. T. Smith, wife of the injured man, was called and she corroborated the evidence given by her husband that he had been employed by Mr. Orser and had paid her husband's wages to her. She declared that Mr. Smith had been much affected as a regult of the accident.

David Saunders said he saw the cannon when he was at the grandstand side, opposite the judges' stand. He saw a man in uniform

Mr. Willoughby heard no warnings. Some child had said that the gun was going to be fired and he and down the canvass scenery of the his wife and children moved quickly pageant that night. After having away but they had not gone three case on the docket, that of Thomas judge's stand at the track at the said that there were people in the Smith, plaintiff, vs. The Kingston fair grounds, Mr. Smith had gone grand-stand and the track was not Industrial Agricultural Society, it over to the school fair tent on the clear. He admitted that his attenwas announced that the Grand Jury other side of the grand-stand and tion was riveted on the procession

Jury Was Dismissed.





Benefits to Policyholders Strikingly Shown in 56 Years' Record

YOUR attention is directed to the fol-lowing statement of the total benefits paid to policyholders and beneficiaries since the Company was established fifty-six years ago. These figures show how well the aims of the founders of the Company have been realized.

(1) Death losses on completion of Claim ..\$20,754,185.90 apers (2) Matured Endowments 11,052,358.47 19,005,064.08 (4) Surrender Values...... 9,626,852.15 (5) Other Payments..... 78,965.74 \$60,517,426.34

And it holds at this date for the security of its Policyholders: Reserves on 31/2% and 3% .\$58,713,297.23 Provision for unadjusted claims and prepaid pre-351,231.37

Dividends due, deferred and accumulative.... 10,006,817.43 Additional Reserves and Surplus Funds 2,976,316.16 \$72,047,662.19 Total. Total paid to and held for policyholders \$3,796,982 Surplus Earnings in 1925 Shows Exceptional Strength of the Mutual Life of Canada

Pioneer Mutual Company Has Record Sum for Distribution to its Policyholders

THE 56th year in the history of the Mutual Life Assurance Company of Canada was marked by solid and substantial progress. It is gratifying to note from the reports made to the policyholders at the annual meeting on February 4th that the 1925 operations of Canada's pioneer Mutual Life Company compare very favorably with the record results achieved in 1924. The 56th milestone in Mutuality marks 56 years of unbroken prosperity.

Our Policyholders—who alone constitute the Company—rightly judge the strength and progress of the Mutual Life of Canada by its surplus earnings from year to year. The surplus earned by this Company during 1925 totalled \$3,796,982.41-an increase of \$296,724.41 over the surplus earned in 1924, in which year all previous highwater marks were far surpassed. These remarkably favorable earnings will enable the Company to continue to pay dividends to Policy-holders on the same liberal scale in 1926 as heretofore, and, in addition, the free surplus available for contingencies has been increased by \$607,981.91. The amount paid to Policyholders in 1925 was \$7,201,403, an increase of \$969,252 over the 1924 total.

Steady, Safe Growth in Business

Healthy expansion of the Company's business is again recorded for 1925, by the end of which year the total in force amounted to \$322,529,285. At the end of 1924 the assurances in force totalled \$295,729,866, so that 1926 showed a net increase of \$26,799,419. The total new issue for last year was \$45,573,577-an increase of \$2,249,280 over the 1924 volume of new business.

Notwithstanding this very considerable increase the expense ratio-already notably low-was again reduced on 1925 business, The percentage of income required to cover general expenses was cut from 15.50% in 1924 to 15.23% in 1925.

This economy in administration was one factor contributing to the exceptionally high surplus earned for Mutual Policyholders. Very favorable mortality and an equally favorable interest rate on invested assets were other factors.

Low Mortality and Higher Interest

An extraordinarily low rate of mortality was experienced in 1924, the actual death strain being only 36.01% of the expected, so that although the death claims paid in 1925 exceeded those of 1924, the mortality ratio-37.95% -was still very favorable.

Although throughout last year the trend in bond prices was toward higher figures (with consequently lower yields), coupled with a tendency toward lower rates of interest on mortgage loans, the Company was able not only to maintain the average rate of interest earned on its invested funds, but to make a slight increase to 6.42%.

Assets Steadily Increase

Indicative of the impregnable financial situation of the Company is the \$6,556,800 increase in accumulated assets, which now total \$72,517,566, as against \$65,960,767 at the end of 1924. By every test, the principle of Mutuality—whereby the profit-participating Policyholders receive back the entire net profits—justifies confidence in the continuance of benefits to Mutualists in the coming years.

MUTUAL LIFE of CANADA

Operated solely for its policyholders commence con the second

dismissed and the evidence was proceeded with.

\$132,565,088.53.

Gunner Martin, of the R.C.H.A., was called and stated that he was there to help keep the crowd back. He declared that there were two men on horse-back. Smith came through from the gr nd-stand side on the west end. Martin said he told Smith to keep back but Smith said he was going through anyway. Martin de-1 clared that Smith would pass the gun. He was struck by the second At this juncture there was a con- one farther down. It was vacant in

Rockwood Hospital. The told him there was a gun there. ther evidence not available at the some people in the grand-stand.

and handle the case himself without saw one man on horse-back and he the cleanliness of the institutions Mr. Smith, questioned by Mr. Rig- the jury. Accordingly, the jury was moved about. Warnings were talked but he heard no one shout warnings. Ackerley was positive that the man who was injured on that night was this Thomas Smith, the plaintiff. He sald Smith had come through but others who had come through besides Smith, had turned

Gunner Laffamme, the man who fired the gun, the discharge of which rendered Thomas Smith blind in one eye, said there were two men besides himself in uniform. The sergeant called to fire. He was byhind the gun. Laffamme said he was too busy to notice if there were warnings given. He did not hear

Sergeant Campbell said that the last gun had been placed in position at 6.45 that night that Smith was hurt. The gun was fired about 9.40. Sergt. Campbell declared he gave the signal to Sergeant Marshall to fire "B" Battery gun. The discharge used in the second gun was less than half of blank cartridge.

Gunner Frank Manning said he was engaged in keeping back the crowd, along with another man. He said he did that from a half to threequarters of an hour before the gun was fired. Gunner Hughes was the last wit-

ness called. He also was engaged In patrolling. Others, as well as he, gave warnings, he said. This concluded the evidence and a decision in the case was to be given this morning.

January 26th was the 100th anniversary of the birth of Mrs. U. S Grant, wife of the famous Civil War

veteran and president.

An electric plow which does not require an attendant is being experimented with at the College of Asticulture, Ames, Ia.



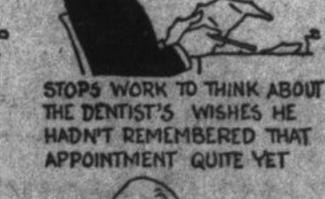
POLYGAMY-UNDER THE AMERICAN FLAG They still practice polygamy in the Southern Philippines, despite the fact that the American flag flies over the land. This photo shows a Moro chieftain named Mama, and his ter



At the left is a mother and child as they stepped off a boat at New York from Europe at the right the same persons the next morning ready to meet the husband and father for the tirst time in ten years.



IN MIDST OF WORK REMEM-BERS HE GOES TO THE DEN-TIST'S TODAY AT 3 O'CLOCK



HADN'T REMEMBERED THAT



TRIES TO GET DOWN TO WORK. WONDERS WILL DENTIST FIND MUCH TO DO. RUNS TONGUE OVER TEETH



HAS CHEERING THOUGHT MAY

and the second

LAST GOSH, IT'S BEEN ALMOST A YEAR, THAT'LL PROBABLY MEAN ALL SORTS OF TROUBLE



PISHES APPOINTMENT CARD

DAY ALLRIGHT, AND STANDS

CARD AGAINST INKWELL

OUT OF POCKET, FINDS IT'S TO-

IT ALL OVER AGAIN ANOTHER DAY TO WORK



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INGS. SUFFERING MUCH MORE THAN HE WILL AT THE DENTIST'S 1-14