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What Council Did

ON WEDNESDAY, NOVEMBER 2

Authorized the police committee chairman and the police committee to contact the Attorney General with a view to having an outside magistrate handle all court cases heard in Georgetown.

(Moved by Davidson and Goodlet. McNally and Lyons voted against.)

The matter, which had drawn province wide attention through reports in the Toronto dailies, was introduced by Acting Mayor Jack Armstrong prior to a discussion on a sewerage debenture issue for which the meeting had been originally called. Mayor Armstrong criticized the Toronto papers, all of which were represented by reporters at the meeting for "false quotations", and said that as the provincial police and the magistrate were both appointed by the province, he believed it was up to Queen's Park to decide who was wrong and not the job of council. He called on police chairman Cecil Davidson, who read reports of Provincial Ray Schisler relating to the Rachlin case. (The reports appear in detail in another part of the Herald). Mr. Davidson said that after consultation with the police committee (not "the council" as daily papers reported), he wished to state that the police committee was 100% behind the police and believed that Constable Schisler had carried out his duty in this case. The case had been dismissed and the committee felt that this was out of their hands but the purpose in discussing it with the press was that they did not feel that a magistrate who was also town solicitor should handle all local cases.

As a seconder of the motion, Deputy Reeve Jim Goodlet said that this was not the first time that the thought had occurred to the committee to have Mr. Langdon replaced. In fairness to both Mr. Langdon and the town, he did not think it proper for a magistrate to be town solicitor and conduct a private practice in Georgetown and Acton.

Cr. Arthur Herbert stated that he was one hundred per cent behind our policemen. There had been many complaints about speeding and a few weeks ago Council had been bearing down on the council to do something about it.

I have every confidence in the Schisler report and I believe it," said Mr. Herbert. "The Provincial Police are the finest trained men on the continent. I think an apology is owed to Constable Schisler."

In answer to a question by Cr. McNally, Cr. Davidson said that if a man refuses to give information to the police when lawfully requested, he may be charged with obstruction.

"This isn't the only case which has brought about this motion," said Deputy-Reeve Goodlet. "Yesterday a parking case brought by Constable Schisler was turned down. Constable Sheffield says that the police refuse to chalk any more cars until some method of proving overtime parking is devised which will stand up in court."

"This motion has no direct bearing on the Rachlin case" said Cr. Davidson. "There were three cases yesterday in which the police considered they had sufficient evidence." One of these, he explained concerned a car which had been chucked at 11 a.m. and checked again at 1 p.m., but was thrown out on testimony of the defendant and witnesses that the car was not there that long. Another, concerning a charge of parking in a no parking area on Mill Street, in which the defendant claimed he did not see the signs.

"I can take you back over the records of many cases where the police thought they had sufficient evidence and the cases were dismissed," continued Cr. Davidson. "We might as well do away with police and hire boy scouts if they haven't the backing of the magistrate's court."

Asked the water committee to report at the next meeting their recommendation as to what to do about an offer from Mr. Schofield for having water service to his new home behind Normandy Blvd. Speaking for his father, Jim Schofield said that Council's decision to pay only 10% of the cost didn't seem fair when over 150 feet of main had been dug for another house in that district. If the town would dig the line from the boulevard to the property, Mr. Schofield offered to supply the pipe and to back fill. Mayor Armstrong said that council had considered that 10% would represent the normal cost of water installation.

Gave first and second readings to a by-law to borrow \$31,000 to pay the balance on sewerage installation. The debentures will be 3 1/2%, 20 year debentures.

Extras and cost increases under the escalator clause in the contract had boosted the cost \$30,059 over the original contract price of \$375,000. Municipal Board approval is necessary before third reading can be given to the by-law.

Authorized the mayor and deputy-reeve to sign an agreement

with the Ontario Provincial Police to continue policing Georgetown in 1950. (Moved by Davidson and Goodlet.)

Constable Schisler's Reports to the Police Committee on the Rachlin Case

October 25th. I beg to report that at 2:05 a.m. Tuesday, October 25th last, while patrolling east on Guelph Street (No. 7 Highway), at a point opposite Armstrong's garage, I observed a motor vehicle approaching from the opposite direction at a high speed. The car in question failed to lower his headlight-beam after my tipping the lights on the patrol car several times. I turned and gave chase and as I reached the Georgetown High School at a speed of 50 m.p.h. the accused was past the caution light at John St. This would be approximately one quarter mile from where I had turned the cruiser, the distance between the accused and the speeder would be in excess of 1000 feet. I maintained a speed of 50 but the car in question disappeared in the distance. I increased my speed to 65 but was unable to catch up to him until we reached the town boundary, a distance of approximately one and one-half miles from where I gave chase.

2. Upon asking the driver his reason for excessive speed he emphatically denied speeding and demanded to know where I came from. He accused me of having a belligerent manner and refused to give his name. I asked him for his driver's license and he refused to show it. I asked him four times for his identity and told him that if he continued to disobey this request I would be forced to lock him up. He was extremely hostile and said I was trying to bully him and that he did not intend to cater to any policeman. I took him to the police office and again asked him for his identity and offered him a chance to go on his way if he would identify himself. He refused to answer my questions and demanded to see his lawyer immediately. He was therefore placed in a cell.

3. I might add that immediately before placing him in a cell he took his driver's license from his pocket but, maintaining his previous hostile attitude, he refused to hand it to me and it was necessary to take it from his hand. I advised the accused that it was necessary to remove his car from the highway due to it presenting a traffic hazard and inquired what he wished done with the car, to which he replied viciously "Just what are you trying to talk me into." Throughout the entire incident I was totally unaware of this man's identity until such time as I took the license from his hand. He was a business man from Acton and he was not accustomed to being "bullied" by police.

4. This man appeared at 10 a.m. the same morning before Magistrate K. M. Langdon in Georgetown, this date and pleaded not guilty to Obstructing Police. Crown Attorney Mr. L. D. Dingle, notified this detachment prior to the hearing that, due to pressure of other courts, he would be unable to attend trial and issued instructions to Prov. Const. J. W. Sheffield, therefore, to ask for an adjournment to Nov. 8th. Const. Sheffield presented the Crown Attorney's request to the Court but the Magistrate ruled that the case must proceed nevertheless.

5. Evidence, as outlined in report No. 1, was presented by the undersigned to the court. The writer emphasized that the accused was travelling at 60 m.p.h. when stopped in a 30 m.p.h. zone, and that the accused persistently refused to identify himself, even though threatened with arrest. Defendant, in his testimony, denied speeding but admitted being unable to estimate his actual rate of travel. He claimed that he had been bullied by the writer and had been refused permission to telephone his lawyer. On completion of testimony the Magistrate stated that his court was usually inclined to place more credence in police evidence but that in this case he felt obliged to accept defendant's story as being truthful. He thereupon dismissed the obstruction charge and tendered the accused the apologies of the court for having been subjected to such humiliation. The Magistrate then dismissed the speeding charge without requiring the arraignment of accused on this extra count. I might add that the only other defence witness called was one William Middleton, of Acton, who testified as to defendant's previous good character.

6. In view of the foregoing I beg to submit this report as final.

R. C. Schisler.

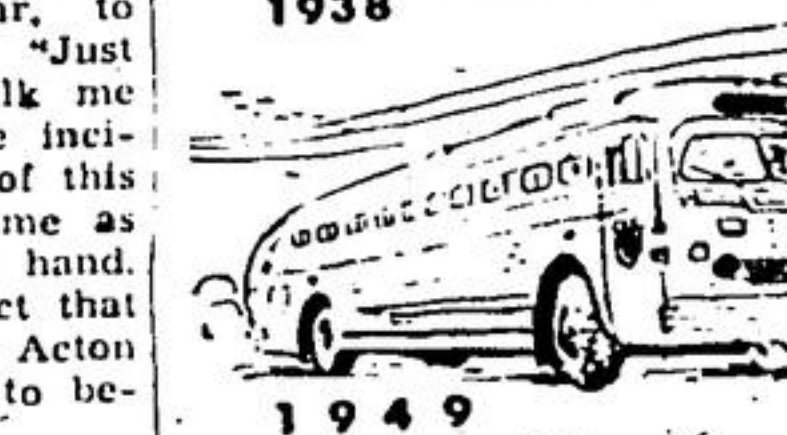
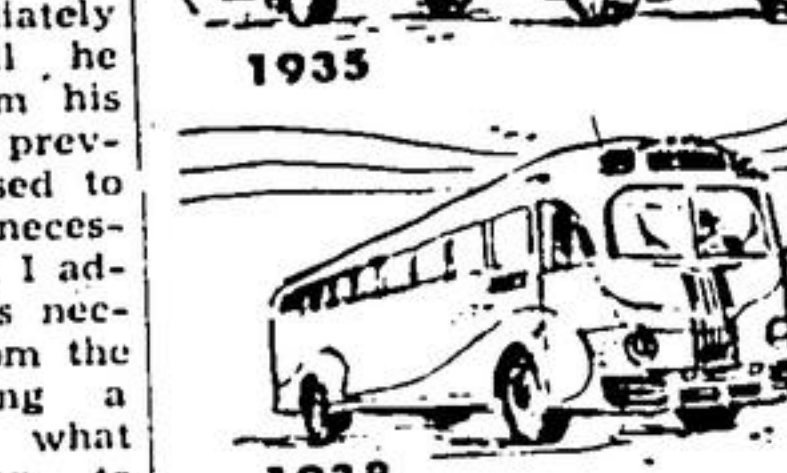
IS PALLBREARER AT FUNERAL OF AUNT

Mr. Brant Swackhamer acted as a pallbearer at the funeral of his aunt, the late Mrs. R. H. Wansbrough, who was buried in Fairview Cemetery, Acton, after a service in Churchill United Church. She was the last surviving member of the family of five daughters and four sons of Christopher Swackhamer and Elizabeth Denny and was born 88 years ago at the Swackhamer homestead at Churchill. With her husband, she lived on a farm at Crewson's Corners and in 1917 moved to Acton where her husband predeceased her twenty years ago.

Surviving are two sons and three daughters, Roy, Harold, and Mrs. Gordon MacKay (Annetta) all of Toronto, Mrs. Frank Day of Rockwood and Mrs. Allan Smith of Acton. Rev. Milton Sanderson of North Parkdale United Church, Toronto, was assisted by Rev. A. O. W. Foreman of Acton in conducting the funeral service and pallbearers were Arthur and Homer Swackhamer, Brampton, Brant Swackhamer of Georgetown, Bruce MacKay, Toronto, Fred Day, Hamilton and Edwin Barnes, Toronto.

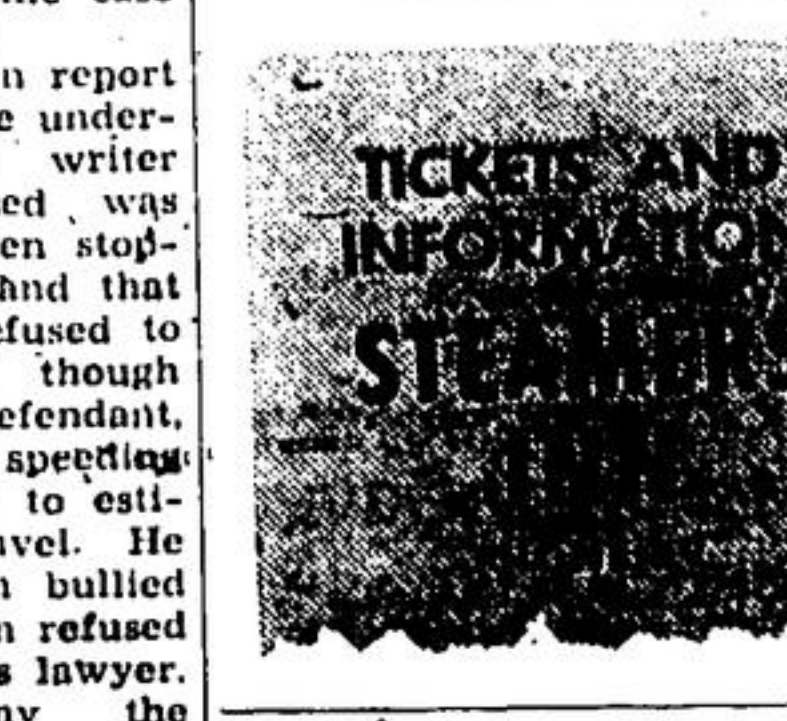
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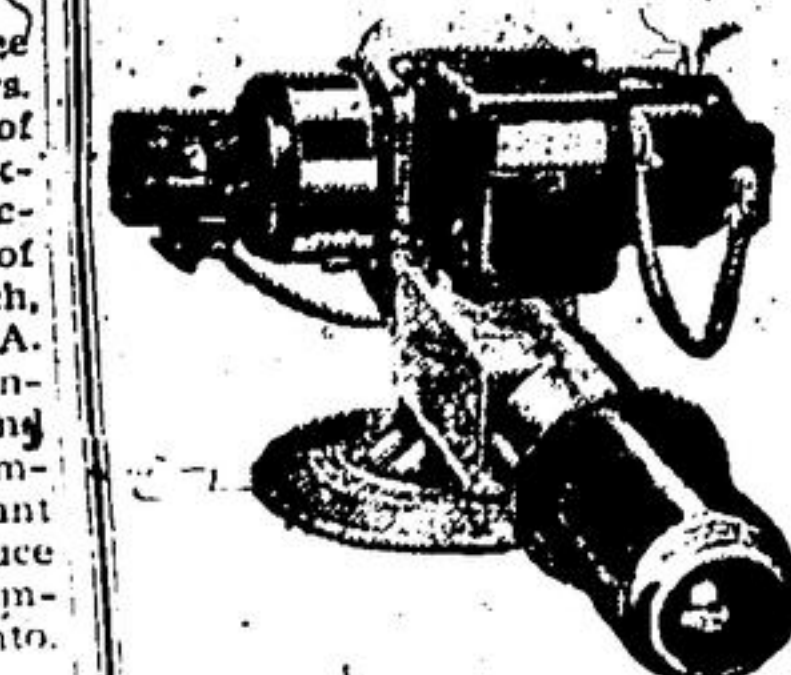


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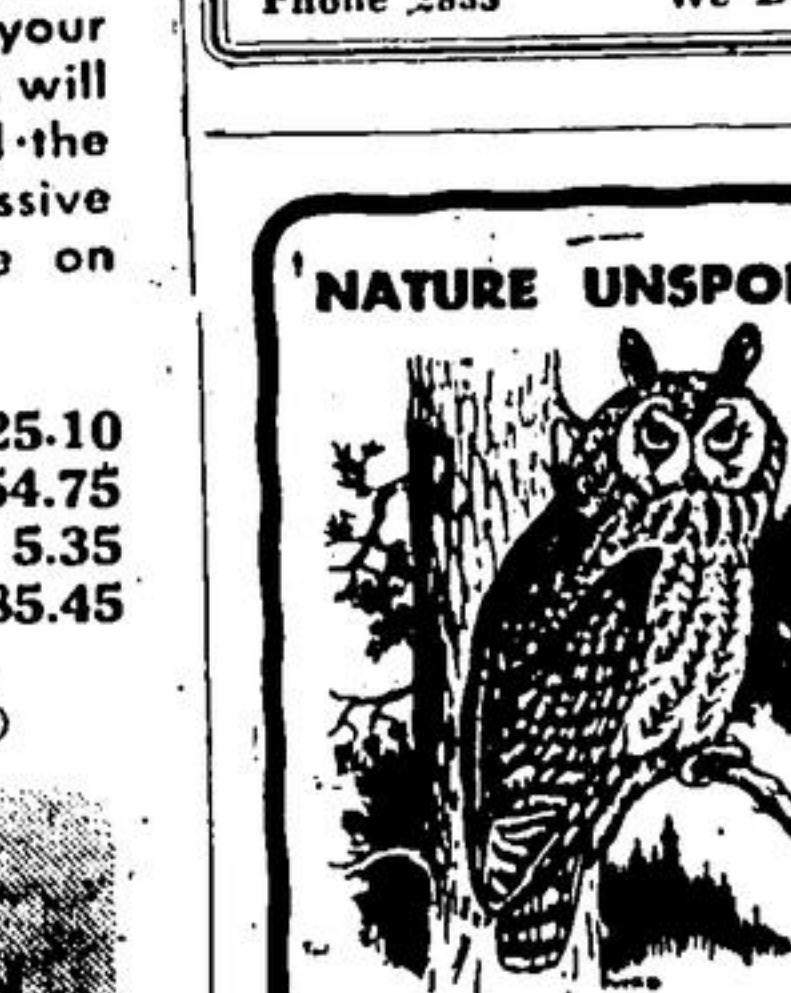
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