

# Case Sheardown vs. Richmond Hill Now On Its Fourth Day Hearing

**Justice Godfrey Expresses Opinion Conditions Dangerous To Health — Municipality Starts Defence To-day After Fourteen Witnesses Heard For Plaintiff**

The lawsuit of Sheardown vs. Richmond Hill is to-day, Thursday, running into its fourth day. On the first two days only three witnesses were heard, John Sheardown, Frank Schisler and Gardiner Alliston, an engineer. The case being heard in Supreme court before Justice Godfrey has Earnest Bogart and Bloomfield Jordan for the defence and Campbell Line for the plaintiff.

On Wednesday morning Walter Bone, B. Bennett, Albert Cooper, Charles Cooper, James Rumble, Walter Deadman and Joe Jefferson, all of Richmond Hill appeared for the plaintiff.

Mr. Walter Bone testified that he put a tile drain in on Church St. for the village in 1928 down to the Blanchard property. The sewer, Mr. Bone said, is under the sidewalk about forty inches wide. "We put tile in connecting the culvert with the houses on the west side of the street," said Mr. Bone.

"What would come through the drains from these houses?" asked his lordship. "Would they be connected for any use whatever?"

"Mainly cellar water would go through the drains," said defence counsel Earnest Bogart. "No sink water or anything else would go through."

Mr. Bone described the stream when he was putting up a fence close to it on the property of Dr. Langstaff. "There was quite a flow when I was putting in this fence about two years ago," said Mr. Bone. "What other drains are flowing through the storm sewer that you installed," asked Campbell Line, counsel for the plaintiff.

"I'm positive Mr. Hill's entered the storm sewer," said Mr. Bone. "I'm not sure about some of the others."

In answer to Mr. Bogart's questions Mr. Bone replied that the water seen coming out of the open ditch looked "like a mixture of soapsuds and milk." He described the odour as that "of a cesspool."

Albert Cooper testified that he was one of a crew cleaning out the drain from Mr. Phillips' property to Shepard & Gill. In answer to Mr. Line's questions he described the refuse shovelled out as "black, moisty dirt" and that there was water coming from the tile into the open ditch. In reply to Justice Godfrey's question he stated that there was no rain for some time.

"When you were cleaning the high school drain did you notice if there were any houses connected with the drain?" asked Campbell Line.

"Three houses are connected with the drain as far as I know," said Mr. Cooper.

At this point Justice Godfrey delegated a group composed of Mr. Alliston, a civil engineer, and several others to ascertain where the school drain lead and find out how many houses are connected with the drain. Mr. Godfrey gave them full permission to enter the houses and ordered them to appear before the court on Thursday (this) morning.

Mr. Charles Cooper testified that he ploughed the land where the watercourse is at the present time. "The property owned by Mr. Sheardown was owned by Mr. Palmer, former Richmond Hill hotel man when I ploughed it in 1885," said Mr. Cooper. "I ploughed right over the land where the mud hole is now, and there wasn't a trace of any sort of a ditch or watercourse."

James Rumble testified he cut corn on the Sheardown land in 1916-17. "There wasn't a trace of any depression, watercourse, or creek," he stated.

Walter Deadman, stationery engineer at Richmond Roses testified that he ploughed the land north of Sheardown's barn 27 years ago. He stated that there was no watercourse at that time.

"There was nothing there to obstruct your ploughing?" asked Mr. Line. "Nothing whatever," stated Mr. Deadman. "I was on the property last fall and where I used to plough is a regular mud hole, you couldn't walk on it now."

Joseph Jefferson testified that he cleaned the ditch up to the Sheardown fence this year. "We cleaned out a lot of black muck," he said in answer to Campbell Line's question. "It seemed to have a very bad smell."

Stanley Howlett testified that he connected Kerr's Bakery drain pipes from sink with the town sewer down which wash water is poured as the drain is connected to the sink.

Frank Schisler, manager of Shepard & Gill Lumber Co., testified as to the evil smell arising from the ditch.

Wilbur Bone and John Sheardown testified to the boggy condition of the land caused by the drain.

Mr. Hewitt, vice-president of Hewitt-McRae Ltd. contractors, who has worked on the Malton airport and numerous churches in the city of Toronto testified that the 85x35 ft. barn on the Sheardown property had been irreparably damaged as a result of the boggy bed caused by the pollution of the village drain.

Wilbur Bone stated that the threshing machine used on the same piece of land many years ago would sink out of sight if it were to travel through there today.

Professor E. Smith, University of Toronto chemist, testified that he had found bacteria with human secretions in the water course on the Sheardown property. It was described as a fit and real breeding ground for typhoid with a high percentage of solids and other foreign matters.

Justice Godfrey expressed his opinion as to this condition as dangerous to health. "If a typhoid

epidemic were to break out it would be with dangerous result to the corporation."

Mr. Justice Godfrey at the completion of the second day (Tuesday) from hearing the evidence educed ordered an injunction for restraining the nuisance, namely, a pollution of land, air and water; with a further direction that the injunction would not have a finality for the next three months, giving said time to the defendant corporation for an opportunity to correct the state or they would be liable for contempt of court.

On Wednesday afternoon the plaintiff finished his case and on Thursday morning (this morning) the defence began its case. It is expected that the case may run into next week. The plaintiff produced fourteen witnesses altogether.

## UNIONVILLE

Anniversary Services at Central United Church will have an important place in church history this year as the congregation celebrates the 60th anniversary in October. A week's services are being planned when former pastors will take part. Sunday evening the regular men's service will be held. Mr. T. G. Gold will be the speaker and the Ensign Male Quartette will render special music. You are cordially invited to attend these services.

A special appeal for funds will be made by the Red Cross during the last week in September when a personal house to house canvass will give everyone an opportunity to line up for service in this great organization. Its aims and results are well known and deserve your heartiest co-operation.

A special tag day has been set for Sept. 29th but should the one in your community be set for another day do not hesitate to contribute. Supplies will be needed and we must be ready to do our share.

Treat your Red Cross visitor kindly and give.

The Sept. meeting of the local branch of the Women's Institute will be held at the home of Mrs. Wm. Young on Tuesday, Sept. 26 commencing at 2.30 p.m. Standard Time. Kindly note change of date. All interested are invited to be in attendance.

Mr. Edwin Dixon, our noted naturalist, is to be complimented upon the splendid exhibit at the C.N.E. Mr. Dixon possesses one of the best if not the best collection of eggs on the American continent, and the display was indeed worthy of commendation.

Mr. and Mrs. Clarence Stiver and daughter of Timmins are visiting Mr. and Mrs. C. E. Stiver.

Miss Lillian Risebrough, Willowdale visited friends in town last Friday.

Mrs. E. Bewell is spending a few days with her son Rev. Jas. Bewell, St. Catharines.

Mrs. K. B. Heisey and sons of Toronto who have been spending the summer with Mrs. W. Milliken Smith have returned home.

Mr. and Mrs. Frank Warne and son Billy of Schumacher have returned home after spending holidays with Mr. and Mrs. G. C. Murphy.

Miss Annie Duncan of Warkworth is visiting her aunt Mrs. R. A. Stiver.

Mrs. Hugh Miller of Albany, N.Y. Mr. and Mrs. Angus Kennedy and son John David were guests of Mr. and Mrs. W. J. Russell last week.

Miss Mary Gibson, Toronto, visited her aunt Mrs. J. A. Gibson last week.

Misses Grace and Evelyn Perkin are attending Shaw Business College.

Mrs. Percy Mauchee of Toronto was the guest of Mrs. Thos. Gray on Sunday.

Mr. and Mrs. Elmer Galbraith and son Guy, Mrs. Pine of Port Colborne, and Mr. Robt. Galbraith of Kingston visited Mr. and Mrs. A. E. Milner recently.

Mr. and Mrs. N. Eckhardt, Mr. J. English of Toronto were guests of Mr. and Mrs. D. Harrington on Sunday.

**CENTRAL UNITED CHURCH**  
Unionville  
Pastor—Rev. A. E. Owen  
10.00 a.m.—Church School.  
11 a.m.—"The Secret of Great Living."

7.30 p.m.—Men's Service. Mr. T. G. Gold, Uxbridge. Ensign Male Quartette, Toronto.

**EBENEZER UNITED CHURCH**  
1.30 p.m.—Church School.  
2.30 p.m.—"The Secret of Great Living."

**BETHESDA LUTHERAN CHURCH**  
10 a.m.—Church School.  
11 a.m.—Public Worship.

**ST. PHILIP'S ANGLICAN CHURCH**  
10 a.m.—Church School.  
7 p.m.—Evening Prayer.

**RICHMOND HILL PRESBYTERIAN CHURCH**  
Rev. J. D. Cunningham, B.D., Minister  
Sunday, Sept. 17th  
10 a.m.—Sunday School.  
11 a.m.—"Unfulfilled Impulse."

It has been wittily said that the world in the middle ages was governed first by canons, and then by cannons,—first by Saint Peter, and then by saltpetre.

## Social and Personal

Mr. and Mrs. H. Thompson are spending two weeks at Theford, Ontario.

Misses Richardson with Mr. and Mrs. L. G. Stoutenburgh of Victoria Square enjoyed a motor trip through Northern Ontario the past week.

Miss Margaret Ireland is spending two weeks with Mrs. J. Stein and Miss Reta Stein in Winnipeg.

The Misses Kate and Bertha Archibald and Dr. and Mrs. Hardy-Hill, all of Toronto, were guests at the United Church Parsonage last Sunday.

Mr. and Mrs. George Cruickshank and family of Toronto visited Sunday with Mr. and Mrs. James Grainger.

Mr. Don Hick of New York visited this week with his mother Mrs. G. Chadwick, Church Street.

The fall opening meeting of St. Mary's Anglican W.A. was held at the home of Mrs. McGibbon on Tuesday of this week. Plans were made to hold an Afternoon Tea and Baking Sale in the basement of the church on Saturday afternoon, September 23rd.

Rev. Jesse Arnup, D.D., General Secretary of the Foreign Missions Department of the United Church of Canada will be the speaker at the United Church on Sunday morning. Dr. Arnup has recently returned from an extensive tour of our Mission fields in China, Japan, Africa, India, etc., and will no doubt have an inspiring and informing message for the occasion.

The first regular meeting of the Presbyterian Young People's Society will be held on Monday, September 18th in the Sunday School room. The guest speaker for the evening will be Dr. Helen Hogg.

Girls of Senior High School age and over are asked to attend the Red Cross meeting in the Municipal Hall on Friday at 3 p.m. A Girls' Branch will be formed on Tuesday evening of the following week at 8 o'clock in the Municipal Hall.

### LIONS MET

The opening meeting of the Lions Club after the summer vacation was held at the Rustic Inn last Thursday evening. President James Stewart presided and there was a good attendance of members. Plans for the coming term were discussed. The next regular meeting is Thursday, September 21st.

### GARAGE BURNED

The garage and car of L. Homme, Benson Avenue were destroyed by fire about midnight Monday. The Richmond Hill Fire Brigade were quickly on the scene and prevented spread of the flames. The cause of the fire is unknown.

### ST. MARY'S A.Y.P.A.

The opening meeting of St. Mary's A.Y.P.A. on Monday, September 18, will take the form of a Weiner Roast at home of Mrs. Clark, Bond Lake. All cars will leave the church at 7.30 p.m. sharp. Members are asked to attend and new members cordially invited.

### CARD OF THANKS

Mrs. Alice Endean and family desire to thank their friends and neighbours for their many acts of kindness and expressions of sympathy in their recent bereavement.

### MARRIED

**CROSTON — DALGETTY-COLLIN**  
At St. Aidan's Anglican Church, Toronto, on Friday evening, September 8th, Lorna, second daughter of Mr. and Mrs. G. Dalgetty-Collin, Richmond Hill, to Mr. John Croston, Toronto, son of Mr. and Mrs. John Croston, Liverpool, England.

### ENGAGEMENT

Mr. and Mrs. Leonard James Roberts, Unionville, announce the engagement of their youngest daughter Fossey (Flo) to Mr. J. Howard Atkinson, only son of Mr. J. F. Atkinson of Richmond Hill, the marriage to take place the latter part of September.

Mr. and Mrs. Fred Farr, Thornhill, wish to announce the engagement of their youngest daughter, Doris May, to Mr. John T. Hart, son of the late Mr. and Mrs. J. Hart of Richmond Hill, the marriage to take place October 7th.

### DIED

**DENBY.** Jean Hazel Reaman — At the Isolation Hospital, Toronto, Saturday night, Sept. 9, 1939, Jean Hazel Reaman, beloved wife of Lawrence Denby, in her 29th year, late of Fourth Concession, Markham Township. Interment took place Sunday afternoon.

**GARDINER**—At York County Hospital, Newmarket, on Tuesday, Sept. 12th, 1939, Anthony Gardiner of Gormley, beloved husband of Susan Taylor, father of Anthony and Clarie, in his 59th year.

Funeral service was held at St. John's Church, Oak Ridges, on Wednesday, Sept. 13th at 3 p.m. S.T. Interment St. John's Cemetery.

### NO FURTHER WORD FROM MRS. SAYERS

Up to the time of going to press no further word has been received from Mrs. William Sayers of Richmond Hill, survivor of the Athenia disaster. Her family here have no word as to when she may make the home journey.

### WON FLOWER PRIZES AT THE "EX"

We extend congratulations to Geo. Topper of Markham Township who won six firsts, one second and one third with eight entries of flowers at the C.N.E.

### UNITED CHURCH EVENING AUXILIARY

The Evening Auxiliary of the United Church will hold a work meeting followed by a short program at the home of Miss Irene Anderson, Richmond Street, on Tuesday, September 19th, at 8 p.m. Come with your thimble and help to make the autumn work a pleasure and success.

### KEN SOBLE'S RADIO WINNERS AT CAPITOL THEATRE

Commencing next Wednesday night the Capitol Theatre will present on its stage Ken Soble's Radio Winners and every Wednesday night at 8.30 p.m. The acts will include the pick of talent heard on this very popular radio programme. The Master of ceremonies will be Jack Rae, well known stage protege of Jack Arthur. The management of the Capitol promise this stage attraction will be the "topps" in entertainment and feature it will prove popular with theatre goers of this district.

### DANCE AT VELLORE

A dance will be held in the Memorial Hall Vellore, Monday evening, Sept. 18th under the auspices of the Vellore Athletic Club. Catania's orchestra. Ernie Evans floor manager. Admission 25 cents.

### WEDDING

**BRYERS-ANGLE**  
The marriage of Miss Pauline Angle, daughter of Mr. and Mrs. Paul E. Angle, to John Willson Bryers, son of Mrs. Bryers and the late John V. Bryers, took place Saturday, September 9th in Richmond Hill United Church. The service was performed by Rev. J. H. Arnup, assisted by Rev. C. W. Follett. The church was decorated throughout with shaded gladioli. A. Melecci was at the organ, and Rand Phipps sang.

The bride, given in marriage by her father, wore a simple gown of white bridal satin in bouffant style, sweetheart neckline draped back and caught in a cluster of seed pearls, full skirt, which swept into a train. Her veil of tulle illusion was held to her head with a Queen Anne cap and she carried roses and lilies of the valley.

Miss Jessie Angle, sister of the bride, as maid of honor was gowned in gold taffeta, simply made with full skirt. Her hat was of ostrich tips to match her dress, tied with matching velvet ribbons. Her bouquet was of deep red roses. Miss Ruth Angle, another sister of the bride, and Miss Anna Phipps were bridesmaids in dresses of moss green taffeta fashioned on the same lines as the maid of honor, with matching hats. They carried loose colonial bouquets of roses. Charles Bryers was best man, and Robert Coulter and John D. Arnup ushers.

After the service a reception was held at the home of the bride's parents. Mrs. Angle wore a Bordeaux wine lace dress with matching accessories and a corsage of roses. Mrs. Bryers' gown was of Elizabeth blue lace with navy accessories. Her imported hat of navy felt was trimmed with an Elizabeth blue plume, and she wore roses.

After a wedding trip to the United States the couple will make their home in Toronto. The bride chose for travelling an aqua green ensemble with black accessories.

### BUTTERWORTH-OSTRANDER

A quiet wedding was solemnized at Christ Church, Woodbridge, on Saturday afternoon, September 2nd, when Doris June Ostrander, daughter of Mr. and Mrs. Lorne Ostrander of Woodbridge, became the bride of Thomas Charles Butterworth, of Woodbridge, son of Mr. and Mrs. Thomas H. Butterworth of England. The ceremony was performed by the rector, Rev. J. H. Kidd. The bride's only attendant was her sister, Miss Norma Ostrander and the groom was supported by Mr. Lyness Glass.

Following a wedding trip to New York Mr. and Mrs. Butterworth will reside in Woodbridge.

### BUTTONVILLE WOMEN'S INSTITUTE

The regular meeting of Buttonville Women's Institute has been postponed until Thursday, September 28th owing to the School Fair on the regular date. The meeting will be held at the home of Mrs. Kerr.

### EUCHRE AT RICHVALE

Richvale Girls' Sewing Circle are holding a Euchre at Richvale school, stop 22A Yonge Street, on Wednesday, September 20th, at 8.30 p.m. Admission 15c. Come and spend an enjoyable evening. Six prizes.

### GIFTS FOR L. T. B. & ORANGE HOME

Gifts of Fruit, Vegetables, Canned Goods, Eggs, etc. will be received at St. Mary's Church, Richmond Hill on Thursday evening of this week in connection with the Harvest Festival Services. All gifts to be sent to the Orange Home after the services. Those unable to send goods on Thursday may send them on Friday, Saturday, or at any time of service.

### BIRTHS

**STIMERS**—Mr. and Mrs. Munro (Jerry) Stimers, 214 Ashworth Ave. announce the birth of a daughter on August 30th, Zandra Marie.

**ALLEN**—At Unionville, on Tuesday, September 12th, to Mr. and Mrs. Henry Allen, (nee Della Burr), a son, (stillborn).

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ROBERT DONAT - GREER CARSON in "GOODBYE MR. CHIPS"

Drama filmed in England with an English cast, based on the novel of the same title by Jas. Hilton. This is a sentimental tribute to a teacher in an English public school of venerable tradition. "Mr. Chips" who comes to Brookfield and teaches four generations of youngsters. A rare pleasure is offered in this delightful screen production. The picture teems with intimate and homely details, and with touches of humor. Outstanding. Referred to the committee on exceptional photoplays.

MONDAY & TUESDAY, SEPTEMBER 18 - 19  
JACK BENNY, ROCHESTER, EDWARD ARNOLD, DOROTHY LAMOUR in

"MAN ABOUT TOWN"

This is Hollywood's best musical comedy in many months. It is bright, fast moving, amusing, with clever dialogue and a generous share of excellent musical interludes.

WEDNESDAY & THURSDAY, SEPTEMBER 20 - 21  
LEW AYRES - LIONEL BARRYMORE - LARAINÉ DAY in

"CALLING DOCTOR KILDARE"

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