

Gets Damages After Second Court Hearing

Supreme Court Awards \$10,000 to Fred Mowder in Alienation of Wife's Affection Case.

For the second time in two years a Supreme Court jury late Thursday afternoon awarded damages of \$10,000 to Fred Mowder, Claremont storekeeper, in his action against Robert G. Roy, of Toronto, for alienation of his wife's affections by Roy. The action was heard by a special panel jury in Ontario County Supreme Court at Whitby with Mr. Justice A. M. LeBel presiding. Hearing of the evidence required eight days.

The jury, in assessing the damages, awarded Mowder \$6,000 for alienation of affection and \$4,000 for adultery. Costs of the action were also allowed the plaintiff. The writ charged that the offenses occurred between January and July, 1943.

The action was first heard at the fall Assizes in 1943, when a jury under Mr. Justice Kelly awarded Mowder the same amount of damages. An appeal was entered in the spring of 1944 by Roy at which time the previous verdict was set aside and a new trial ordered. Application for a change of venue for the second trial was made before Mr. Chief Justice Rose but this was refused. Leave to appeal this decision by the defendant was allowed by Mr. Justice Hope but the appellate division refused to interfere.

In presenting the case to the jury, Mr. Justice LeBel asked that they answer four questions. These were as follows:

"Was there any adultery committed between the defendant and the plaintiff's wife? Answered, 'Yes.'"

"If so, when and where was it committed? Answered, 'At the Roy farm on May 30, 1943.'"

"If the answer to the first question is 'Yes', at what amount do you assess damages for adultery? Answered, \$4,000."

"Was there any alienation of the affections of plaintiff's wife by the defendant, Roy? Answered, 'Yes.'"

"What amount do you assess damages for alienation? Answered, \$6,000."

Charge to Jury

Impressing upon the jury that it was their responsibility to judge as to the facts of the case and that they must deal only with the evidence as presented in this particular trial, His Lordship, in his charge, pointed out that they must take into consideration the conduct of the plaintiff as well as that of his wife and the defendant.

He warned that the allegation of criminal conversation is a serious one, and he told the jury that it was up to them to weigh the evidence of Mr. and Mrs. Glen Flowers, as against that of the defendant and Mrs. Mowder in determining the truth of the allegation.

Referring to the contention of the defense, as regards a plot or conspiracy on the part of the plaintiff, His Lordship pointed out that there would be a distinction between a scheme in his own mind and actual plotting with the Flowers to injure Roy and that his mere intentions would have nothing to do with the fact that his wife and the defendant spent the night of May 29th and 30th, 1943, alone in the latter's part of the house.

With particular reference to the alienation of affections aspect, His Lordship said that here again the actions of the complainant were important, as were those of the defendant. In short, supposing she had a real affection for her husband at the time Roy came into the picture, was that affection lost because of the latter's action?

In considering the question of damages, His Lordship warned that those who could not be punitive but only compensatory and that while damages might be awarded for adultery, even though alienation of affections did not result, the amount should be increased if it

(Continued on Page Six)

STAGGERING SUM FOR CHILDREN IN YORK COUNTY

Official estimates of the payments on family allowances place Ontario's share at \$75 million annually.

The Ontario Liberal News has broken this down by counties. Based on 1941 age-group ratios, the unofficial figures indicate a monthly distribution in York County of: Rural, \$355,407; Urban, \$1,161,918; total \$1,417,325.

ENROUTE TO INDIA

Miss Anna Steckley, missionary on furlough, has left for Philadelphia on her long journey back to the mission field in India. Helise Hill church was filled Sunday evening for the farewell service. A large group of friends were present in Toronto to see Miss Steckley off.

Stanley Theatre Announces Change of Ownership, City Man Takes Over this Week

Mr. Schmidt Leases Theatre After Twenty-One Years in Show Business in Stouffville.

A change of management in the Stanley Theatre is announced this week with the leasing of the business to Mr. Pat Barnes of Toronto. Mr. Barnes is an experienced showman of long-standing, and operates a number of other theatres in other Ontario towns, including Campbellford, Deseronto and London. Extensive alterations are planned immediately for The Stanley, including new upholstered seating, sound equipment, and a new face on the front of the building by the installation of the large electric marquee. Beginning next week there will be three changes of program every week, with two shows each evening and a Saturday matinee for the kiddies.

It is not without some regret that we see the name of Schmidt pass from the entertainment business in Stouffville where it has flourished now for twenty-one years. Three other would-be picture magnates tackled the job of promoting a theatre in Stouffville before Mr. Schmidt took over the reins in October of 1923 in what was known as the Auditorium Theatre which was operated on the upper floor of the present building. However as silent days passed to dim and government regulations became stricter the pressing need seemed to be for a one-storey fire-proof building equipped with sound, and so it was that on July 13th, 1932, the present Stanley Theatre opened its doors to the public.

Steadily increasing patronage due in no small part to the superior line of features shown, have necessitated many improvements over the years. As a factor in bringing crowds to town, the Stanley has played an important role in the community scheme and has gone far in putting Stouffville on the map as the hub of interest for a wide area. The appreciation of a progressive community is extended to Mr. and Mrs. Schmidt for their public-spirited endeavors in the business field of Stouffville.

Mr. Barnes is welcomed as an addition to the business life of the town, and his experience in the field of entertainment will no doubt go far in further advancing Stouffville as a thriving community.

Township School Area is Advocated for Whitchurch

Council Agreed to Public Meeting to Feel Out the Ratepayers

Public school Inspector, O.M. MacKillop declared before Whitchurch Council on Saturday that it was his firm hope and belief that if a township school area was set up for the municipality, the school rate would be lower than the ratepayers were now accustomed to pay.

A township school area in this case could include all the school sections which would be operated under a five-man trustee board that would do all the work of the present school section trustees. If the township adopt a township area, present school boundaries would be wiped out, and old trustee boards disbanded. One qualified secretary would do all the clerical work for the whole township.

It was agreed to call a public meeting to discuss the proposal, and if council is given any reasonable support they might be expected to adopt the new system, since individual members strongly believe in it.

"A Township School area," said Mr. MacKillop, "for the administration of schools is a unit which may contain two, or more, or all of the sections in a township. One Board of five members elected by a general vote administers the Area for school purposes. In the formation of an Area the natural boundaries of the church, school, and business community should be given consideration."

He said there are now 248 Areas in the province, resulting in the union of 1,423 schools. He pointed out that the council of any township may, with the approval of the Minister of Education and the consent of a majority of the whole number of members of the council pass a by-law before the first day of July in any year, setting apart the whole or any portion of the township as a Township School Area. The by-law takes effect on the 25th day of December in the year in which it is passed. After that the old boundaries of school sections cease to exist.

"The Department of Education," said Mr. MacKillop, "pays an additional grant equal to one mill, calculated on the equalized assess-

STATIONED AT ORILLIA.



Jack Davis who is training with the Canadian Army at Orillia is a son of Mr. and Mrs. K.R. Davis of Stouffville. Jack spent some months in the air-force prior to going into the army. He received his education here and was employed in Toronto for some time before enlisting.

FORMER PASTOR HERE

Rev. Chas. McGrath, former Baptist church pastor here, was greeted by a large audience last Sunday evening on the occasion of his visit to his former church here. Mr. McGrath is pastor at Kapuskasing in northern Ontario.

S.S. CONVENTION MARCH 29

Plans are completed for the annual Sunday School convention of Markham Township to be held at Victoria Square United Church on Thursday, March 29. The speakers as announced are Rev. Dr. George Little and Rev. J. E. Mallis. There will be afternoon and evening sessions and the general public is invited, especially the Sunday School.

Fight Sale of Stock in Newmarket Era

Asking an order of the court rescinding the transfer of 25 treasury shares to William P. Mulock, Andrew Olding Hebb has brought action against Mr. Mulock and the Newmarket Era and Express Ltd., in high court before Mr. Justice Hogg.

R. R. McMurtry, outling the case on behalf of Mr. Hebb, stated that the latter, owner of the Newmarket Era, agreed with Mr. Mulock, owner of the Express-Herald Publishing Co., to amalgamate their assets.

Conditions of the agreement, said Mr. McMurtry were that the paper be known as the Newmarket Era and Express. Mr. Hebb was to get 161 shares and Mr. Mulock 136, with the latter getting an option for a certain time to purchase from Hebb 25 treasury stock shares in the company at \$100 each.

Defendant wanted to purchase these shares after the time of option expired but Mr. Hebb refused sale, counsel said. Three directors were appointed: Mr. Hebb, Beatrice E. Lyons, selected by defendant, and Norman L. Matthews, appointed by plaintiff and defendant.

"Over the objection of Mr. Hebb the directors voted transfer of the 25 shares to Col. Mulock," said Mr. McMurtry.

ment in counties and on the actual assessment in territorial districts of all rateable property in the Township School Area. Such additional grant, however, shall not be less than \$150 nor more than \$300 for each school section which has become part of the Township School Area. This grant is paid to the board of trustees of each school section entering the Area in the year of formation in order that the assets and liabilities of school sections, at the time of entering the Township School Area organization, may be adjusted as readily as possible. After the year of formation this grant is continued each year and is payable to the board of the Township School Area.

CANVASSERS START ON RED CROSS DRIVE

This week the canvassers whose names were printed in the last issue of this paper commenced their drive over the town for that \$3,900 objective as Stouffville's share of the present Red Cross drive. So much has been written about the work of this organization that everybody should be ready with their gift when the proper people call on you. Some canvassers have not got started but by next week the work will be well in hand and probably finished.

If everybody in town gives as they did in the last campaign or perhaps a little better, Stouffville will again be proud to stand at the head of the list for towns of its size in York and Ontario Counties.

Progressive Farmer Henry Talbot Dead

Landed in Canada Over 60 Years Ago Without Funds. He came to Own one of the Best Places in His Township.

Actively engaged in farming in the Township of Whitchurch for half a century, Eli (Henry) Talbot passed away on Wednesday, March 8, rather suddenly since he was ill in bed only a few days, although he had been in declining health all winter. Mr. Talbot was in his 87th year.

Deceased was a native of Somersetshire, England, and came to this country when a young man. He often recalled that the voyage took 17 days, for they had no fast clipper in those early times, and sailing boats or slow steam boats were the common means of ocean transport. Mr. Talbot never forgot the fact that he landed in Ontario with not more than a shilling in his pocket, hence he had to start from the very bottom, yet by diligence and good judgment, and by the aid of a faithful life partner, he came to the day when he could view his own broad acres, the product of their joint ingenuity.

Henry Talbot was one of a family of eleven children, all of whom are now dead, excepting one brother and two sisters in England. Landed in this country over sixty years ago, Henry Talbot soon adjusted himself to farming conditions in Ontario. He chose as his life partner Sarah Jane Sageel of West York, and the couple started farming in King, then after four years located at Vandorf in Whitchurch where they remained for 15 years, when they bought the present homestead at lot 12, con. 6th, 39 years ago from Mr. Isaac Lemon, who was here from Western Canada only recently and visited the old home with its fine 16-roomed brick residence which he built.

Besides his faithful wife Mr. Talbot is survived by six of a family. The three sons are Charles in the U.S.A., George Talbot on the 6th of Whitchurch, and Walter of Stouffville, the three daughters, (May) Mrs. Bert Staley, (Nellie) Mrs. Ross Harper on the homestead, and Miss Grace Talbot in Toronto. Mrs. Talbot sr., is 82, but is a splendid conversationalist, and possesses all her faculties in a remarkable degree. There are 13 grandchildren, of whom five grandsons are in the armed forces.

Had Mr. Talbot survived another two years the couple would have celebrated their 60th wedding day.

During their residence at Vandorf they joined the Wesley Church, and the funeral service on Friday afternoon was conducted by Rev. D. Davis of Stouffville United, who made fitting reference to the neighborly spirit of the deceased. Many lovely flowers bore silent tribute to the high respect in which deceased and his family are held. The pall bearers were Messrs. Roy Morley, Orval Drevery, Ross Winterstein, Elmer Wells, Stewart Rae and J.A. Clarke. Interment was made in Stouffville cemetery.

STOUFFVILLE CO-OP. ANNUAL MEETING

The annual meeting of the Stouffville Co-Operative is called for Friday afternoon, March 16, to be held in the Municipal Hall at Stouffville. Inasmuch as the organization has been expanding in a business way and adding at the same time to its membership in the past year, the annual meeting will undoubtedly be well attended with added interest. During the year the Co-Op. purchased the Sangster property at the corner of Main and Albert streets, for use as an office and apartment dwelling which is all rented.

Non-member farmers are invited to the annual meeting.

Messrs. Sam Fretz and Russel Grove are spending a few days at Fort Erie this week where Mr. Fretz has a daughter and Mr. Grove a son attending the Ontario Bible School there.

Claim Dominion Agriculture Measure Will Harm Egg Production in this District

Failure to instal a refrigeration plant for the egg grading station of O.M. Madill at Altona, means that the station will be closed by order of the Dominion Dept. of Agriculture within two weeks, unless the threat contained in a letter to Mr. Madill from Mr. A. F. Currin in Toronto, is modified.

"Farmers are up in arms," said Mr. Madill to The Tribune, "and are only waiting for some one to organize a strong protest." Individual protests have been made, and one farmer west of Stouffville who delivers his eggs to the Altona station, has sold his flock. He was thinking of giving up the egg producing business, and while undecided, he sold out because of the threat to close down the Altona station, the press is informed. Hardly any plants have refrigeration around the district. The installation is expensive, amounting to some \$700, and few stations want to invest this sum.

Mr. Madill pointed out that the whole thing to him is unnecessary. Only two weeks in the year, he says, would the plant be needed. That is about two days per week during July and August could it be justified. Even then Mr. Madill points out that his eggs market safer coming out of just a cool room rather than coming out of cold storage to enter the market and remain in the heat until sold from stores. They would not keep so well from storage, just as any other commodity from storage must be disposed of smartly ere it spoils.

The two summer months, July and August, when refrigeration is claimed to be most needed, egg production is, at its lowest, and eggs are not left lying around since the demand exceeds supply, so they move fast, those opposed to enforcement of this Dominion measure point out.

"Nearly one-half of our customers declare they will stop the egg business," said Mr. Madill, "who handles some 40 cases a week, or 1200 dozen."

If the Madill plant is forced out of business through the action of the Dominion grading regulations, one wonders what will happen to all the other plants around the country, Stouffville, Gormley Green River, etc. The Tribune contacted three or four, and learned that not one of them have refrigeration, but are given a lease of life on the promise that such refrigeration would be installed.

Ratcliff & Co., at Stouffville are booked to capacity, consequently if the Altona station is forced to close, there is going to be some high sounding protests through the highest source, one farmer said. The general opinion among farmers is that the ever tightening measure on the egg business is just a means of squeezing out small dealers in country places, thus forcing the farmers to sell direct to "big business" as they put it.

PORKERS DEMAND TOP PRICES

Bert Staley's farm auction near Goodwood last week was put down as one of the best in that section for a long time. The marked improvement in the prices of horses featured the sale when a mare, 4 years old for \$110 and a gelding, 8 years for \$101. Cows topped \$160 with calf \$20 extra. The herd averaged \$100. Fat heifers went for \$95, and one sow fetched \$75. Six weeks old pigs \$7.50 and 10 weeks at \$10, indicates pork is going to be dear.

DEMAND FOR EXTRA COPIES

Our article last week entitled "Noah's Ark is Found in Ice", condensed from "Life Digest", Melbourne, Australia, certainly made good reading, and brought a flood of orders for extra copies of The Tribune. One school ordered enough papers to provide a copy for each student.

The writer of the article in Life Digest, declared, "I am positive we are holding the 'Ark of Noah.'"

ENJOYED CHICKEN DINNER

Mrs. Ida Kidd and Mrs. Susan Shankel were guests at a chicken dinner served by Mrs. Joan Lewis east of town on Tuesday. Mrs. Lewis' father Mr. Harmon Yake was another guest. Such social events sound like the good old days when folks took time off for such pleasures. There should be more of it. However, lets hope the war will soon be over when folks can relax.

ENGAGEMENT

Mr. and Mrs. Roy Stewart of Goodwood, announce the engagement of their eldest daughter, Dorothy Bernice, to William Robert Joseph, youngest son of Mrs. L. J. Angliss of Uxbridge. The wedding to take place the middle of April.

TRAINING AT SHILO



Arnold Schell, son of Mr. and Mrs. Wesley Schell of Stouffville is in training with the army at Shilo Camp. Mr. Arnold was educated in Stouffville and was attending Toronto University when he enlisted.

CONGREGATIONAL SHOWER

Friends gathered at the United Church on Tuesday evening to honor Mr. and Mrs. Chas. Kerwell, newly married couple. Rev. Davis acted as chairman and the couple were presented with a table and easy chair. There was a short musical program and Mrs. Kerwell's Sunday School Class assisted with serving lunch.

Community Halls to be Memorials

The Ontario Government intends to introduce a bill at the present session of the legislature to allow municipalities to erect community halls instead of cenotaphs, Hon. G. H. Dunbar, provincial secretary announced this week.

The bill will be awaited in Stouffville with considerable interest, as a hall is so badly needed here. Of course the Board of Education is working hard on a plan to provide an auditorium at the school that would answer all purposes. In the meantime council is holding the site on Main street near the station, and while the location was attacked by a few as unsuitable, there is still a very strong element hoping that this will be the final place for such a hall, since it is very central and convenient and provides good parking facilities.

The Board of Education plans are taking shape however, and will include as a first step a new boiler room and coal bunkers outside the present building. Present boiler in the school is very old and is doing an uncertain job that may break down any time. New boilers of the type required could not be obtained short of eight months after an order is placed.

Lions and Their Ladies Gather

Mrs. Smith of Toronto, wife of Dr. Neil Smith of this town was the guest of honor at the Lions Club meeting in the High School on Monday evening. It was the occasion of Ladies' Night when the fair sex were the guests of the Lions at the chicken supper served by the Mayfair and for a very interesting program which followed. In an informative address Mrs. Smith told of the work she took part in during the heavy days of the blitz over England when she went overseas with a nursing group to work in the heavy industrialized Birmingham district among children. The speaker said that this was her first visit to Stouffville and naturally she felt quite thrilled with the event. Likewise she was told by other speakers that the members and guests were equally thrilled to meet her, since this would shortly be her home.

The program included a quiz contest conducted by L.C. Murphy, a picture contest in charge of Harold Spofford and solo numbers by Mrs. Don Chadwick and Carl Boadway.

Dr. S. S. Ball proposed a toast to the ladies, and Mrs. Frank Riches made reply. President Andy Williams presided.

Ivan Goudie, R.C.A.F. is home from Dauphin, Man.

BIRTHS
MORRIS—At the Brierbush Hospital, Stouffville, on March 13, 1945, to Mr. and Mrs. William Morris, a daughter.