

# Case is Taken from the Jury

Judge to Decide Damage Action at General Sessions Court

When is a shoulder not a shoulder? If a shoulder is a shoulder, does it appear (as a shoulder) to be different from the rest of the road? Does every road have a shoulder?

These and sundry other topics of interest were discussed at great length before Judge J.C.M. German at the General Session Court at Whitby. In the end, the Judge appeared to be exasperated at the trend the evidence had taken, while the jury dozed somnolently or marvelled in amazement that the shoulders of a road should be of such significance.

Meanwhile on the stand, Dennis Stiver, 39, Scott Township farmer, did his best to answer the many questions concerning the topographical construction of the road on the 7th Concession which were hurled at him by J.E. Anderson, K.C., of Lindsay. Stiver, with his mother, Mrs. Letitia Stiver, is suing Webster Fawns for damages and injuries allegedly inflicted in an automobile collision at the junction of the Ashworth Sideroad and the 7th Concession.

Apparently Stiver, accompanied by his mother and his wife, Mrs. Jean Stiver, was driving along the Ashworth road at 7.30 on the evening of Aug. 29th, 1944. They came to the intersection with the 7th concession, where Stiver stopped at the Stop sign, which is removed some distance from the Through Road. As his vision to the north was obscured by foliage, he edged to the intersection, stopping at the "shoulder" of the road, he claimed.

Weather and road conditions were excellent. From his final stopping place he could see clearly along the 7th in both directions. Coming from the north, at full speed, he saw a car forty yards away. When first sighted it was driven along the west "shoulder" of the road, he said. It took an inward course toward his own car and struck it, driving his vehicle a distance of three feet, he claimed. The driver of the car was Neal Fawns, son of the defendant—who is lodging a counter claim.

Under questioning by Arthur W. Greer, his solicitor, he stated that damage to the extent of \$279.79 was inflicted on his car in the collision. His mother suffered a broken collar bone, incurring a doctor bill of \$30. Through the loss of his car, he expended \$74 on business trips to Toronto and in providing transportation for his mother to Sunderland for medical attention, he said. In addition, he had paid \$10 to have his car towed to Toronto.

When Mr. Anderson questioned him, the business of the whereabouts, appearance, line of demarcation, etc., of the shoulder of the road began. After lengthy questioning which evinced extremely little and which was liberally interspersed with acid comment from the bench, the question of what is a shoulder was abandoned for other generations to define.

Proceeding Halted  
About this time, it was revealed that an insurance company had a pecuniary interest in the case. His honour halted proceedings at once and called a recess, at the conclusion of which the jury was dismissed, due to the fact that the entrance of an insurance company upon the scene might be prejudicial to their decision.

The jury decamped in haste. They had received a surfeit of the layout of the 7th Concession.

The next witness was Mrs. Letitia Stiver, who said that she did not know what had happened after the collision. She testified that her contention was weak as a result of the accident.

Mrs. Jean Stiver was then called to the stand. When questioned by M. Fulton, K.C., the partner of J.E. Anderson, she had considerable difficulty in deciding which direction Stiver's car had been thrown in impact with the other vehicle. Then the obvious answers were not forthcoming, His Honour took over the questioning and, despite the acidity with which he interrogated her, the location of the vehicle after impact continued to be shrouded in dense fog.

Finally he handed her the Court book and a piece of blotting paper, designating the rail of the witness box to be the 7th Concession, asked her to illustrate the position of the two cars. Ultimately, the front end of the Bible was locked with the front bumper of the blotting paper in the position which she claimed the two vehicles had come to rest. With nothing of triumph in his manner, His Honour dictated the position of the two articles for the record.

Next witness was Denis Stiver who referred to a conversation alleged to have taken place between himself and Neal Fawns, in which Fawns said he wanted me to take blame so the insurance company would pay for his car while he helped me pay for mine. Constable Norman Murray of Scott testified the accident and gave evidence.

On the witness stand, Neal Fawns testified that he saw the Stivers car a distance of fifty feet. He applied his brakes, which he stated were excellent and two skid marks resulted. The Stiver car was situated 15 to 20 feet out on the county road, he said.

Referring to the conversation immediately following the crash, he said, "Stiver asked me why I hadn't stepped out and miss him, I told him he should have stopped. He said he didn't see me. He asked me if I was insured and I said, no. He

said that he was in the wrong and that the insurance companies would fix the cars."

He stated that he had made no admissions of liability to the constable and has never admitted he was at fault. When cross-examined by Mr. Greer, he said that his car had gone into a skid and was partially out of control.

Albert Taylor, Scott Township farmer, stated that there were two skid marks behind the Fawns car. He also stated that Constable Murray had investigated the scene with the aid of a light and that it was dark. As all witnesses were excluded till they testified, the question as to whether or not he doubted the constable's veracity, put to him by Mr. Greer, was met with surprise. He said he did not doubt the word of his local constable and declared that he would not swear as to the number of skid marks and the blackness of the night.

The final witness was Harold Page, brother-in-law of Stiver, who testified that Fawns had said he would pay the costs of the accident before witnesses at the scene of the accident.

Decision was reserved by His Honour Judge German, while counsel will submit written arguments to him.

## W.P.T.B. QUESTIONS AND ANSWERS

Q.—Would you please tell me if I can raise the rent of my garage? I have been charging \$1.00 monthly, but all the other garages in the neighborhood rent for \$2.00 or more. Mine is a first class garage.

A.—There are no W.P.T.B. rental restrictions on garages where the rental is below \$100 a year. If you wish to raise the rent to \$2, you would just have to give the required month's notice under provincial law.

Q.—I bought a toaster for \$5.75 and shortly afterwards saw one in a downtown store for \$2.59. Was I overcharged?

A.—Prices for such items are controlled but as in pre-war years such prices do vary according to the make and brand. If the manufacturer's name and any number is on the toaster please send them in to us and we will be glad to check up and advise you the correct ceiling price for the toaster which you purchased.

Q.—We have a new baby and when I went for her ration book last week they removed all the preserves coupons. Is this correct?

A.—No, it looks as if someone made an error, you are entitled to all coupons which will become valid after the date of application. They should only remove the coupons which became valid before that date and as some of your preserves coupons have not yet been declared valid they should have been left in the book. Would suggest that you return the book at once and see the person in charge of the office.

Q.—All the stores in my district are charging very high prices for apples. I paid 86c for a basket

## A Message to the Ladies

Whether it's for Dad, Sweetheart, Husband or Brother you'll find the Gift "HE" wants here. Don't delay! Come in today! Here is a partial list!

- TIES
- DRESSING GOWNS
- SWEATERS
- PULLOVERS
- CARDIGANS
- HATS, CAPS
- GLOVES
- SCARVES
- SOCKS
- PARKAS
- DRIVERS CAPS
- BELTS

- PLAID SHIRTS
- SHEEPSKIN and DOESKIN VESTS
- SUITS
- MACKINAWs
- HORSEHIDE COATS
- and WINDBREAKERS
- HANDKERCHIEFS

of MacIntosh Reds. Later they asked the same price for snows and very high prices for other grades. Is there any ceiling on apples?

A.—Yes, of course there is a ceiling on apples. During December the top price for Grade 1 MacIntosh reds is 88c for a 6-qt. basket. 73c for Tolman Sweets, 88c for Snow and 73c for Greenings. These prices apply to apples grown in Ontario. If apples are imported from British Columbia the prices are much higher. However, B.C. apples are generally sold by the dozen.

Q.—Could you tell me the ceiling price on butter? It seems to cost more every place I buy it.

A.—We have had so many enquiries about the price of butter we will repeat the ceiling prices once more. At the present time the ceiling price is 42c or 43c depending on the location. From Oct. on, the price of butter has always gone up a few

# GIFTS FOR THE FAMILY



Wonderful Surprises for Every Member of THE FAMILY

Captin Kidd had nothing on us! Our treasure chest of family gifts will make your eyes sparkle, your heart leap for joy. And you don't have to hunt for them. Right here under our friendly roof you'll find wonderful gifts for every member of the family.

## Goldens Clothing Store

PHONE 273 STOUFFVILLE

The dealers are allowed to charge a slightly higher price in winter to take care of storage and insurance charges. The price you mentioned in your letter is well below the ceiling so you were not overcharged.

## CLAREMONT MEAT MARKET

A. J. Sutherland

Phone 1808. CLAREMONT.

FRESH and CURED MEATS  
Fresh Fish in Season  
Have our Truck call on you in Goodwood and district on Wednesdays.

## Held Up While Driving to Fire

Racing from Richmond Hill to the fire on the Fred Sadler place near the Whitchurch-Markham townline and reported in this paper last week, Harold Mills was flagged near the scene by a man with a flash light. He stopped his car whereupon the stranger on the road stuck a gun in his ribs and then ordered him to hand over his money, and it totalled \$9.

The stranger stepped into another car with a fellow passenger and raced up Yonge street. Mills gave chase but lost the fleeing robbers near Aurora. Mills recently returned from overseas.

Over 7,000 people read this paper every week.

## Memo to Men in a Hurry

Shop for Her where she shops for herself. A dozen ways to say "Merry Christmas. The "Gift" she wants is here.

- HOUSE COAT
- GLOVES
- BLOUSES
- WINTER BAGS
- MITTENS
- FUR NECK PIECES
- KERCHIEFS
- SCARVES

- SKI-MITTS
- SKI JACKETS
- SKIRTS
- SWEATERS
- DRESSES
- COATS
- SNOW SUITS
- TABLE CLOTHS
- PILLOW SLIPS
- CARD TABLE COVERS

## MONGOLIA

We hear Mongolia Sunday School is closing after Christmas, due to the small attendance.

Miss Verna Zeller spent Sunday at the home of Mr. and Mrs. A. Draper.

Sorry to hear that Roy Zeller is in the Christie St. hospital, having undergone a serious operation. Roy doesn't expect to be home for a few weeks.

Visitors at J. T. Green's on Sunday were Mr. and Mrs. E. Bentley also Mr. and Mrs. B. Darby and family from Toronto.

Don't forget Mongolia Christmas concert on Dec. 18th.

Gorman Dixon is employed with Allan Wideman for the coming year.

The Tribune—An ideal Christmas Gift.



Gifts for Dad

- HOSSACK (Assimulated Leather)
- SMOKING SET
- SHAVING SET
- ASH TRAY
- BILL FOLD
- GLOVES
- SCARF
- TIE
- BRACES



Gifts for Mother

- PURSE
- GLOVES
- CUT-GLASS
- SILVER
- HOUSE COAT
- BED SPREAD
- BOOK ENDS
- MORROR
- BRIDGE COVERS
- ROSE TABLE CENTRES



Gifts for Sister

- SOCKEES
- HAIR-BOWS
- SKI-MITTS
- SKI-CAPS
- SKI-JACKETS
- PERFUME
- BED-ROOM PICTURES



Gifts for Brother

- SWEATER
- KNITTED SUIT
- SOX
- TIES
- ODD PANTS
- SKI-JACKETS
- LEATHER MITTS



Gifts for Her

- CHINA FIGURES
- PERFUME and POWDER
- FANCY BELTS
- WRITING PAPER
- VASES
- PICTURES
- FANCY DRESS HANGERS



Gifts for Baby

- KIMONA and BOOTEE SET
- SATIN COMFORTER
- CHEVILLE BED SPREADS
- HIGH-CHAIR SEATS
- STUFFED ANIMALS
- POWDER-SOAP OIL SETS
- PINK or BLUE COMMODES