

The Stouffville Tribune

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JUDGE ORDERS NEW PICKERING ELECTION

Township May be Without A Council for Several Months, Clerk Believes

In a judgment handed down on Friday afternoon, His Honor Judge J. E. Pritchard ruled that the municipal election held in Pickering Township in December last was invalid and directed that the township clerk take steps to hold a new election. During the six-day hearing held about a month ago, evidence relating to 29 alleged irregularities in the election were cited.

His Honor said: "Having regard to the other irregularities which I find have been established by the evidence, I have come to the conclusion that the applicant has satisfied the onus cast upon him and that these findings establish numerous and important violations of the provision of the act relating to the taking of the vote and that these departures from the statutory requirements are of such a character that it seems impossible to say that the election has been conducted in accordance with the principals of the Act, and that the results of the election has not been effected."

By-Law Not Considered

The allegations of irregularities were brought by Gerald Allan of Clarendon. His Honor, in a 24-page judgment, held that the water by-law, which was voted upon at the election and which was favored by the electors, was not brought into issue and consequently I have no jurisdiction to deal with the matter."

Ballots Burned

Judge Pritchard said that he couldn't draw inferences surrounding the burning of ballots but added that in his opinion Clerk Johnston acted "most unwisely" in destroying the ballots while the possibility of an attack on the election remained.

Commented His Honor: "I heard considerable evidence regarding the circumstances surrounding the burning of the contents of the ballot boxes, which were destroyed on January 19, 1954, as appears by Exhibit 17. As stated during the inquiry, I am not prepared to draw any inferences from this fact adverse to the Respondents, particularly since I find on the evidence that none of the respondents directly or indirectly authorized their destruction. I am satisfied that the clerk, acting on the advice of the township auditor, Riehl, destroyed the contents of his own volition. In my opinion he acted most unwisely in doing so while the possibility of an attack upon the election still remained, notwithstanding the provisions of Section 158.

"Section 138 states that: 'The clerk after he has received the ballot papers and statements of the number of votes given at each polling place, without opening any of the sealed packets of ballot papers, shall cast up from the statements the number of votes for each candidate . . . and he shall also put up in some conspicuous place a statement under his hand showing the number of votes for each candidate.'

The judgment stated that the allegation that a raffle on a doll was carried on in a polling booth was proved.

He also agreed that persons were present in a polling booth during the taking of the vote and at the counting of the ballots without being sworn, contrary to the provisions of the Municipal Act.

"I am satisfied on the evidence that the ballot boxes were all locked when they were returned to the Clerk and remained locked until the contents of the respective boxes were destroyed on Jan. 19, 1954. I am equally satisfied the Clerk failed to seal any of the ballot boxes with his own seal after they were returned to him, as required by Section 135 of The Municipal Act. I therefore find the allegation proved in part."

His Honor found there was no evidence of improper instructions given to any deputy returning officer as to how voters should vote or that any poll clerks were not sworn. However, he found that certain agents were not sworn.

"The evidence," His Honor continued, "does not satisfy me that any eligible voters were prevented from voting because of any failure to comply with the act."

He found on the evidence that voting cards were used by one or two individual voters, but on the whole the allegation that this practice was used by many voters was not proven.

His Honor stated in the judgment that the allegation that several voters marked their ballots together was proven with respect to poll No. 14 only.

Councillors, meanwhile, are undecided whether to appeal the decision. Most of them believe the simplest and less costly way round it would be to hold another election and let the people decide.

Reeve Todd expressed surprise on hearing the election was invalid, and questioned the integrity of the assessors.

"In view of the way things have gone," he said, "I can't help but think that the group

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C.N.R. Linesman has 37 Years Service

Last week Mr. Geo. Hutchinson, a resident on Rupert St., Stouffville, made his final inspection trip as C.N.R. section foreman between Markham and Goodwood. On Monday he was presented with a set of carpenter's tools.

Mr. Hutchinson started working on the section in 1917 with headquarters in Markham. He later became section foreman at Mount Albert, Goodwood, and finally at Stouffville in 1938.

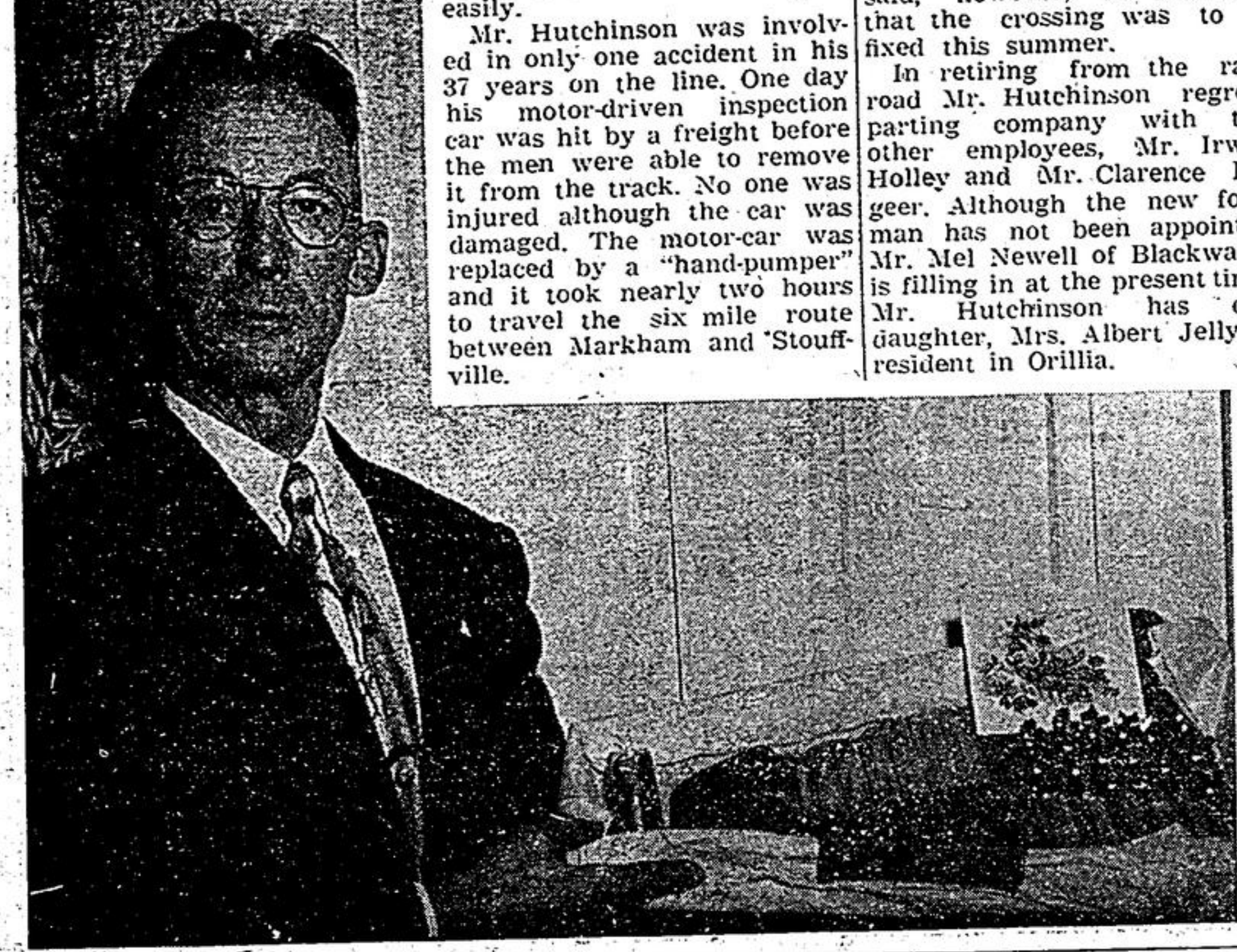
During his 37 years as a C.N.R. employee, Mr. Hutchinson had a number of thrilling experiences. He tells how a few years ago the sectionmen thought nothing of walking to Markham or Goodwood in weather as cold as 35 degrees below zero. He recalls one cold winter night when a Toronto-bound passenger train was marooned for six hours in huge snow drifts between Goodwood and Stouffville and it was nearly 2 o'clock in the morning before the train was freed. The snow banks were so high that one could touch the telegraph wires quite easily.

Mr. Hutchinson was involved in only one accident in his 37 years on the line. One day his motor-driven inspection car was hit by a freight before the men were able to remove it from the track. No one was injured although the car was damaged. The motor-car was replaced by a "hand-pumper" and it took nearly two hours to travel the six mile route between Markham and Stouffville.

During the past 37 years heavier rails and ties have been used in track construction and repair. Fifty-six pound rails have now been replaced by rails weighing 100 pounds and soft wood ties weighing fifty pounds have been replaced by 150 pound ties.

In commenting on the rough crossing on Stouffville's Main Street, Mr. Hutchinson replied that extensive repair work was almost impossible due to heavy traffic which continually passed through town. He said, however, he believed that the crossing was to be fixed this summer.

In retiring from the railroad Mr. Hutchinson regrets parting company with the other employees, Mr. Irwin Holley and Mr. Clarence Laeger. Although the new foreman has not been appointed Mr. Mel Newell of Blackwater is filling in at the present time. Mr. Hutchinson has one daughter, Mrs. Albert Jelly, a resident in Orillia.



George Tran Reached His 99th Year

On Thursday, March 18th, Mr. George Tran, well-known and highly respected resident on the 5th concession of Pickering, passed away after a brief illness.

The late Mr. Tran was born at Cedar Grove where he farmed for a time before moving to his farm home in Pickering. He had resided there for over forty years.

There were always two events during the year that Mr. Tran seldom missed, the one being Markham Fair and the other the International Plowing Match. Mr. Tran served as President on the Markham Fair Board a number of years ago. He was also a prize plowman in his day. While in good health he attended the United Church at Locust Hill.

He leaves to mourn his passing two sons, Gardham of Markham and David on the home farm. There are also four daughters, Mrs. W. A.

Thompson and Mrs. Wm. Maxwell, both of Markham, Mrs. Geo. Cowie of Stouffville and Mrs. E. D. Sharpe of Sheridan, Wyoming.

Funeral service was held on Monday afternoon at the Locust Hill United Church at 2 o'clock, conducted by Rev. J. McLachlan, assisted by Rev. King of Locust Hill and Rev. Lunau of Toronto, with interment in the adjoining cemetery.

The pall bearers were Russell Burkholder, Earl Graham, Joe Tran, Karl Cowie, Giles Tran and Lorne Tran.

Girl Struck By Car on Way to School

Wendy Yunkers, 6, who resides at the home of Mr. Carson Wideman, Mount Joy, was struck by a car while crossing the highway on her way to school on Wednesday morning. The auto, a new Cadillac, was driven by Mr. Anthony DeFalco, operator of Falco Motors, St. Clair Ave. W., Toronto.

More Cases Moved to Newmarket Court

York County Court at Newmarket is being enlarged and court will now sit three days each week, Tuesday, Thursday and Friday. This court will now handle cases from the whole of York County, and Markham and Vaughan Township cases, hitherto sent to Willowdale court. Additional help for the Magistrate's office is being advertised for.

The driver, in attempting to avoid collision swerved his car into the ditch and rolled it over. The vehicle was badly damaged but the driver was uninjured.

Two other students, Shirley Middleton and Rita Sherwood, both age 12, attempted to warn the girl of the approaching car but their calls were not heard in time. The injured girl was taken to Dr. R.M. Pilkey for first aid treatment and was then rushed to the Sick Children's Hospital, Toronto.

High School Commencement This Friday

Stouffville High School's annual Commencement Exercises will be held this Friday evening, March 26th, in the Veterans' Memorial Hall at 8 p.m. There will be presentation of diplomas, prizes and awards and numbers by the school choir and brass trio. Feature presentation will be a one-act play "The Gossip."

Three local business places, Murphy Motors Ltd., Harold's Grill and The Stouffville Tribune have presented the school with handsome plaques to be hung in the new high school building and these will be presented on Friday evening by the donors. The plaques which will receive new names each year are for both sport and academic recognition.

Annexation Bylaw Ok'd by Municipal Board

Subject to Receipt of a New Description of the Property in a Simplified Form

No opposition was voiced against the annexation of approximately fifty acres of the Timbers farm just west of town when application was heard before representatives of the Ontario Municipal Board here on Wednesday morning. Messrs. R.H. Yeates and C. F. Nunn represented the Board. At the conclusion of the hearing, chairman Yeates stated that the order would be effective 28 days from the date of receipt of a new description of the property being annexed, in more simplified form.

COUPLE WED TWENTY-FIVE YEARS

A large group of friends gathered at the home of Mr. and Mrs. Wes. Wideman at Dickson's Hill on Saturday evening when this couple marked their 25th wedding anniversary. A buffet supper was enjoyed followed by a program under the leadership of pastor Rev. H. Shantz. Mr. Eldon Jr. and Miss Merla Lehman delighted the group with music on the violin, cornet and the piano.

Mr. and Mrs. Wideman were presented with a number of gifts befitting the silver anniversary. Among the guests were Mr. and Mrs. Geo. Warkentin of Dunnville, Mr. Wesley Sherrick of Toronto, Mrs. Glenn of Toronto, Mr. and Mrs. Eldon Lehman, Eldon Jr. and Miss Merla, all of Toronto.

Markham Contracts For 100,000 Gals. Of Road Oil

The Beamish and Miller Construction Companies were the successful tenderers for the annual Markham Township road oil contract which was let on Monday night. The price will be 22.8c per gallon and the large order of approximately 100,000 gallons will be divided between these two well-known firms.

Markham Council received a request from Thornhill police village for a detailed list of the services which were being provided by the township tax rate.

A recommendation was received from the Planning Board favoring the sale of a small park lot to the North York Market farmers. The money from such sale, according to law, must be placed in a trust fund to be used for larger park development elsewhere in the municipality. While council favored the sale, it was thought that the solicitor should be contacted as to proper procedure.

Mrs. L.C. Parkinson from Digby Pines, N.S., visited with Mr. and Mrs. Telf Rennie on Tuesday.

Walter Smith Auction One Of Largest

Walter Smith, Cashel, who will move to the home on the 10th con., formerly the estate of the late Henry Dyck, held one of the largest farm auctions last week of this spring season. The total receipts ran close to \$16,000 and the great crowd milled about from noon until nearly 5.30.

The high cow realized \$365 and the average for the fine dairy herd was \$200. A Case tractor sold for \$900, a side delivery rake for \$235 and mixed grain for \$2.35 a cwt. A sow and pigs brought \$235 and pigs just weaned about \$20 each. Young sows found ready buyers at \$90 each.

Next to the tractor, the largest single implement sale was the threshing machine at \$800.

\$3.00 a Bushel For Prize Oats

While the seed entries in York County's 18th annual Seed Fair were down slightly from last year in the seed grain classes, the balance of the show made up for this and there was a full complement of eight townships, each with three carcasses, in the Bacon Show. The latter section of the event is sponsored by the York County Hog Producers' Association in co-operation with the Canada Department of Agriculture's Livestock and Marketing Services.

In the seed section, keenest competition was in the registered and certified oat class with these ten bushel lots of seeds being sold by auction. Highest price paid was \$3.00 by W. J. Brodie of Stouffville for the new variety of Simcoe oats grown by York's "Wheat King" Chas Casey of Aurora.

In the Bacon Show, Markham Township carried off not only the inter-township special but also had the Champion Carcass from Leitchcroft Farm Thornhill. The other hogs were supplied by S. B. Watson and Howard Cosburn, both of Markham. The reserve champion carcass was shown by Henry Thomas of Maple in the Vaughan group.

The afternoon programme presided over by President Eugene Lemon of Stouffville opened with the presentation by Fred Timbers of Stouffville, chairman of the County Agricultural Committee, of the trophy for the 75 Bushel Corn Club to Allan Hoover of Gormley.

W. S. McMullen of the Marketing Service urged greater use of advanced Registry breeding stock as a means of improving our bacon hogs. The fact that at the testing station litters from sows on test are grading 68 to 71% on an average in recent years, shows what can be accomplished from good breeding. These hogs are grown and developed on balanced rations and for the past two years on self feeding which has only slightly reduced the grade as compared with hand feeding but a considerable saving of labour more than offset this.

Be sure to read the page and a half of classified ads. in this week's issue.

Bob Corbett, son of Mr. Bert Corbett, local station agent, suffered a broken leg while playing in the grounds of the Stouffville Public School. Bob is a Grade 8 student.

The 2nd Annual Conference of the Ontario Nursery Education Association was held at Hamilton on Friday and Saturday, March 18 and 19. As delegates from Stouffville Helen DeWitt represented the staff and Mary Stapley the parents of our local Nursery School.

John Bradshaw, Farm Radio Commentator over CFRB was the special speaker at the regular meeting of the Markham Township Federation of Agriculture at Victoria Square Hall. Cecil Belyea of the Ontario Federation also spoke.

MARRIED FOR FIFTY YEARS



Mr. and Mrs. Henry Johnson who celebrated their golden wedding anniversary at their home in

Lemonville. The occasion was marked by the extending of good wishes by their many friends and relatives.

The couple have spent the greater part of their lives near Lemonville.