[CORONER.]

THE GOVERNMENT OF
THE PROVINCE OF BRITISH COLUMBIA

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25/42

INQUISITION

ATTORNEY-GENERAL'S DEPT.
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ACKNOWLEDGED

File No.

An Inquisition indented taken at Vancouver B.C.

British Columbia, the 26th, day of January, in

the Fifth year of the Reign of our Sovereign Lord the King, before

me, J.D.Whitbread, gentleman, one of the Coroners for

our Lord the King, for the Province aforesaid, upon the view of the

body of PONYICKY, Anna, then and there and

within the jurisdiction of the said Coroner, lying dead, upon the oaths of

William Davis(Foreman)	3358 East 1st Ave.	Van.	City.	Retired.
Lawrence Brerton	123 Powell St.	"	"	Pensioner.
William C.McMurray	1030 East 10th Ave.	"	"	Miner.
Herbert Kersten	Empress Rooms.	"	"	Gardener.
George R.Flood	6598 Ross St.	"	"	Carpenter.
Clifton E.McKay	Grandview Hotel.	"	"	Machinist.

good and lawful men of Vancouver, aforesaid, in the

said Province of British Columbia, who being now here sworn

and charged to inquire, on the part of our said Lord the King, when, where, how, and after what

manner, the said PONYICKY, Anna came to his death,

do say upon their oath, that Anna Ponyicky of 1825 Powell St Vancouver B.C. came to her death at the Vancouver General Hospital, Vancouver B.C. at 11 p.m. January 23rd, 1942, as the result of injuries accidentally received the same night at about 8 p.m. when she was in collision with auto B.C. 82-558 as she was pushing a baby carriage containing a baby at the intersection of Hastings St. and Glen Drive Vancouver B.C. we attach the blame to the driver of the said car. Viz Tommy Takeshi Sakuyama for the accident

IN WITNESS whereof, as well the aforesaid Coroner as the Jurors aforesaid, have to this Inquisition, put their seals, on the day and year and at the place first above mentioned.

William Davis Foreman
W. C. McMurray
Lawrence A Brereton
Herbert Kersten
C. E. Pope Tory
Geo B Flood.

WITNESSES

Dr.A.W.Hunter	Autopsy.	
Peter John Monteanu	1825 Powell St.	Royal Canadian Engineers.
James Berry P.C.86	Van. City Police.	
Allan Henry Rossiter	P.C.203 Van. City Police.	
Arthur Clayton Roberts	Supt. Van. City Garage.	
Gus Blomoskoy	441 Glen Dr.	Marine Lumber Co.
Akira Takanashi	Port Hammond B.C.	Clerk in Store.
Tommy Takashi Sawayama	Port Hammond B.C.	Boom Man.

J. D. Whitbread
J.D. Whitbread *Coroner.*

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INQUEST ON THE BODY OF ANNA PONYICKY

AT THE VANCOUVER CORONER'S COURT

(Before Dr. J. D. Whitbread, Coroner)

Vancouver, B. C.,

January 26th, 1942.

I N D E X

	Called	Recalled
Monteanau, P. J.	1	
Berry, J. A.(P.C. 86)	2	6
Hunter, A. W.	2	4
Rossiter, A.H. (P.C. 205)	17	
Roberts, A. C.	20	
Blomskog, G.	26	
Sakanashi, A.	34	
Sawayama, T. T.	41	

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(Before Dr. J. D. Whitbread, Coroner)

Vancouver, B. C.,

January 26th, 1942.

OFFICER: GEORGE SUNSTRUM.

STENOGRAPHER: D. F. SAUNDERS.

THE JURY WERE IMPANELLED AS FOLLOWS:

LAWRENCE BRERTON	123 Powell Street	Pensioner
WILLIAM McMURRAY	1030 East Tenth Ave.	Miner
HERBERT KERSTEN	Empress Rooms	Gardener
WILLIAM DAVIS	3358 East First Ave.	Retired
GEORGE R. FLOOD	6598 Ross Street	Carpenter
CLIFTON E. McKAY	Granville Hotel	Machinist

MR. DAVIS ELECTED FOREMAN OF THE JURY.

JURY SWORN.

STENOGRAPHER SWORN.

C. L. McALPINE, Esq., K.C. appears for driver of car.

J. A. MacLENNAN, Esq. appears for next-of-kin.

(JURY RETIRE TO VIEW BODY)

PETE JOHN MONTEANAU, 1825 Powell St., (Royal Canadian Engineers), being first duly sworn, testified as follows:

THE CORONER Q: Mr. Monteanau, can you identify the body of

this lady whom we are holding the inquest on?

A Yes, sir.

Q What is her full name? A. Anna Ponyicky.

Q And her correct age? A. 27 years of age.

Q And she lived at 1825 Powell Street? A. 1825 Powell Street.

(Witness aside).

JAMES A. BERRY, Police Constable, No. 86, City of Vancouver, being first duly sworn, testified as follows:

THE CORONER Q: Can you identify this woman as being the same you saw injured--where and when? A. At the corner of Hastings and Glen Drive, on January 23, 1942, at 8:10 p.m.

Q At the corner of Hastings and Glen Drive, City of Vancouver, 8:10 p.m., January 23rd? That is correct?

A Yes, sir.

(Witness aside).

ARCHIBALD WILLIAM HUNTER, a regularly qualified medical practitioner, practicing in the City of Vancouver, being first duly sworn, testified as follows:

THE CORONER: You have heard this body identified by these various witnesses, and at this moment Dr. Hunter, who has performed a post-mortem examination, will show you any marks of violence that may be present, that is, superficial marks of violence. Later on, in the court room, he will give you further evidence, concerning the actual cause of this lady's death.

THE WITNESS: You will observe that this is the body of a

stout young white woman, who has received marks of violence to her body. On the back part of her head is a cut, which has been sewn by the doctors; a slight abrasion over the right side of her forehead; a slight abrasion of her nose, on the left side; a slight abrasion on the right shoulder, and discolouration of the right elbow and the right wrist. There is discolouration along the inner side of the left thigh, and discolouration on the right hip, more particularly behind, going down and involving the area below the knee, and outer side. The right leg is broken in the upper third of the distance between the ankle and the knee. Those are the more important external marks of violence.

Q That is all, is it, doctor? A. Yes, sir.

(JURY RETURN TO COURTROOM)

THE CORONER: Gentlemen, before Dr. Hunter will continue with his evidence, I will briefly outline what your duties will be here this afternoon. When you were sworn in, I stated that you would ascertain how, when, where, and by what means, this lady, Mrs. Anna Ponyicky, has come to her death. Now you will also ascertain whether this is a natural or unnatural death, and, should the evidence which you will hear state that this is an unnatural death, place the death in the proper category where it rightly belongs, such as accidental, homicidal, suicidal, misadventure, or whatever you may consider it to be. Now, this is not a trial. This is only an investigation. There is nobody on trial here to-day. You will hear evidence,

such as hearsay evidence, which is correctly received here, and you will hear questions asked and answered, and the only reason that a question will be asked and answered will be to put the picture of what might have happened as clearly as possible in front of you, so that you will be able to ascertain those points I have told you already. Now, where it is possible for you to ask your own questions, do so, provided you ask the question of the proper witness, and do not repeat your questions. Now, if you consider there has been any blame or carelessness or fault, you can attach such as you see fit in your verdict, but the outstanding thing in any such investigation as this is to recommend anything that may be of interest to this municipality where this lady died, so that unnecessary deaths may not take place, particularly unnecessary deaths on the streets of the City of Vancouver. If that is clear to you, gentlemen, I will ask Dr. Hunter to continue. Are there any questions you wish to ask?

DR. HUNTER resumes stand:

THE WITNESS: Acting on instructions from the Coroner, Dr. Whitbread, I autopsied the body of Mrs. Anna Ponyicky, on June 24th, 1942, at 10 a.m., and believe the deceased had been admitted to the Vancouver General Hospital, on January 23rd, at 8:23 p.m., and died in the same institution, January 23rd, at 11:00 p.m. The external marks of violence I have given you, or, roughly, there were multiple contusions, particularly involving the right side of the body, a broken right

leg, and bleeding from the left ear. Further examination shows that there has been a fracture of the skull, involving the posterior aspect of it, and the break has involved the ears, more particularly the left ear, from which there had been severe bleeding. There was hemorrhage between the membranes of the brain, and the brain itself. There were contusions on the surface of the brain, but no hemorrhage in the substance of it. There were no fractured ribs. The heart was negative, and the lungs were negative. There was a small area of hemorrhage around the right kidney. The genital organs were not remarkable. The cause of death was hemorrhage from a fractured skull, involving the base, a fractured right tibia and fibula, compression of brain. At the inquest held on the 26th of January, 1942, the body was identified by the brother-in-law, Pete John MOnteanau, of Regina, Saskatchewan, visiting at 1825 Powell Street, a soldier in the Royal Canadian Engineers, and also by Police Officer 86, James Berry, who was present at the scene of the injuries.

Q What is all, doctor? A. Yes, sir.

Q You did not see any evidence of previous disease, or anything like that? A. No, sir.

Q Would you call this a natural or an unnatural death?

A An unnatural death.

MR. MacLENNAN: Q: Doctor, I suppose the injuries you have described could have been caused by contact with an automobile? A. If the automobile was in action.

(Witness aside).

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JAMES A. BERRY recalled:

THE CORONER: You are already sworn in, and have already identified the lady we are holding the inquest on. You told us you saw her at the corner of Glen Drive on Hastings Street, Vancouver, B. C., the evening of January 23rd, of this year. As you explain those exhibits to the jury, give me the numbers, so that the stenographer can write it down. A. This is Exhibit No. 1, a photograph of the car involved in the accident, at Glen Drive on Hastings.

Q And the number is what? A. 82-558 B. C. License, 1941. This Exhibit, No. 2, is a photograph of a baby carriage, which was considerably smashed up; and Exhibit No. 3 is a diagram drawn by the City Engineer's Office, which shows a portion of Hastings Street, at the intersection of Glen Drive, and it is not drawn to scale, but it gives various measurements as to the width of roads, the lamp standards, and the type of road, and the grades.

Q Did you explain the whole plan in detail? A. Not yet. On Friday, January 23rd, at 8:10 p.m., I answered a call to Glen Drive and Hastings Street, in the City of Vancouver. Upon arrival, I found this car, which you see in the photograph here. It was stopped on Hastings Street, facing west. Now this map or diagram--this is the west--the grade--

Q Just describe your plan, before you mention any more. Give the grade, the type of road, and lamp standards.

A Well, this is Hastings Street, and those lines in the centre are the streetcar tracks. This is west, in this

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direction. Glen Drive runs north and south. On Hastings Street, on the car tracks, it is partly asphalt. That part there is all asphalt, and each side of that line, and over here, is concrete, which runs off into the entrance of Glen Drive. The width of Hastings Street at this point is 62 feet 2 inches, and the distance from the car tracks, the north rail, to the north curb of Hastings, is 24 feet. The width of Glen Drive, from curb to curb, is 36 feet. Another point is, from the back of the sidewalk at Glen Drive, that is, the east sidewalk, to the back of the west sidewalk, is 54 feet. There are four lamp standards on this corner. The one on the northwest corner is situated just in line with the curb, 10 feet west of the west edge of the west sidewalk of Glen Drive, and the lamp standard on the northeast corner is 67 feet 10 inches from the one on the northeast corner, and, as you notice, the lamp standards are right across the street, so it would be the same distance on the other side. Coming east towards Glen Drive is approximately 1 per cent. up-grade, and when you come in line with the property line of Glen Drive, the grade is approximately 3 per cent.; that is, going west on Hastings Street. On the night in question, when I arrived at the corner, I found this car B. C. 82-558, a Plymouth Sedan, parked on Hastings Street, and from the point of impact, the car had stopped 60 feet 10 inches west of the point of impact.

Q How did you arrive at this point of impact?

A There were marks on the road which would lead you to

believe they were caused by the rubber tires of the buggy, the baby buggy, being pushed across the road. The point of impact was 9 feet 9 inches north of the north car tracks, in line with the west sidewalk of Glen Drive. Now this is the west sidewalk at Glen Drive, and the west edge of that sidewalk would be there, and the point of impact would be approximately straight down there, and 9 feet 9 inches in fromthe north car rail. That is where the marks of the baby carriage wheels were on the road, and from that point the car stopped 60 feet 10 inches west. It was on a slight angle. The car was drawn in slightly towards the curb on the north side of Hastings Street. The front wheel was 9 feet 7 inches south of the north curb of Hastings Street, and the right rear wheel was 10 feet 9 inches south of the north curb of Hastings Street. That is the point of impact No. 1. No. 2 will be the approximate position of the car. It might not be quite so pronounced as that, but that is approximately where it was. The body of the deceased was 69 feet 5 inches west of the point of impact. The head was to the southeast, and the head of the body was facing southeast, and from the head of the body to the north car tracks was 5 feet 5 inches. Approximately there. That will be No. 3. There was a slight rain at the time. The streets were wet. The visibility was good. It was a well-lit corner. I have told you where the lamp standards are.

SERGT. HIGGINBOTTOM Q: Where was the baby buggy found?

A The baby buggy was under the right wheel of the car,

but it was not directly under the right wheel--it was under the right front corner of the car.

Q Mark that. A. It really was not visible. I will mark that No. 4.

JUROR Q: Was the baby in the buggy? A. From information, the baby was picked up at the rear of the car. I could not say where it was picked up. I would like to point out the woman was in the cross walk, the proper place for the woman to cross the street. If I get a photograph of the car, I will show you some marks on that. This is Exhibit No. 1. You will notice the left-hand part of this bumper here. The rest of the bumper has road stain, and this portion of the bumper here is brushed off clean, as though it had come in contact with something. This part has also a brush-off. You will notice up here on the front of the car, a high light there; that piece is polished off, as if something had brushed it. On the fender, the left fender here, it is not very noticeable, but there is a mark, or there was a mark on the car which led you to believe it was struck by metal, possibly, I would suggest, the metal of the handle of the baby buggy. There was a mark on the right hand front fender, but just a slight brush mark. The only real mark of violence on the car was this one right here.

Q Where would the buggy be? A. Underneath the right front part of the car. It was like on the inside of the wheel.

THE CORONER Q: Where was the baby picked up?

A To my knowledge, it was picked up at the rear of the car. It was gone when I got there. There would be a witness to state where it was picked up.

JUROR Q: Were there any skid marks previous to the point of impact? A. There were no skid marks pervious to the point of impact, nor after. There were no signs of skid marks at all. I think that is all I have.

THE CORONER Q: When did you receive the call to go there?

A About 8:10 p.m., January 23rd.

Q Where were you at the time? A. I was on Hastings Street, about Abbott, between Abbott and Columbia.

Q How long did it take you to get there? A. Oh, just a matter of 2 or 3 minutes.

Q You would be there at about 8:15? A. Approximately.

Q And during the time you were possibly going there, the baby had been taken away? A. It had been moved from the street. It was still there when I got there, but I did not see it. It was in a car, and it was taken to the hospital.

Q Taken to the Vancouver General Hospital, where the child is now? A. That is right.

Q The lady was on the street? A. She was lying on the street.

Q Did you consider she was seriously injured, or not?

A I did.

Q You stated the visibility was good, although it was raining, and the streets were wet? A. There

was no fog of any kind at all.

Q All the light standards were illuminated? A. They were.

Q It was a well lighted corner? A. It was a fairly well lit corner.

Q How was the traffic? A. There is a fair amount of traffic on Hastings at any time, but it was normal traffic.

Q At 8 o'clock is the traffic usually heavy or light?

A I would not say it is heavy. There were cars running practically steady on Hastings Street, not one right after the other, but they are coming steady.

Q The auto in question ~~same~~ 82-558, you saw it and examined it, and saw the driver? A. I did.

Q What type of lights did it have on, the ordinary lights? A. When I arrived there, the lights wereon. The bright headlights were on.

Q Were they blacked-out? A. No.

Q Ordinary lights? A. Ordinary lights.

Q You saw the driver of this auto? A. I did.

Q Did you find out what his name was? A. I did.

Q Who was he? A. Takashi Sawayama.

Q Where did he live? A. At Port Hammond, Box 120.

Q That would be the Post Office Box? A. Yes.

Q Which way would the car be going? A. He was going west on Hastings Street.

Q What was the condition of the driver? A. As far as I could see, his condition was normal.

Q Any liquor? A. No liquor at all, to my knowledge.

Q Did he tell you any circumstances concerning this?

A He stated he was travelling between 30 and 35 miles an hour.

Q Did he teal you anything about his headlights?

A Not me; he did not, no.

Q What else did he tell you? A. He didn't have very much to say.

Q Well, you were making an investigation. What did you find out? A. I asked him his name and address, and got them from him; how fast he was driving; which direction he was going, and, at that time, he was taken to the Traffic Office, to make out a report in the Traffic Office, and he stated in the Traffic Office that he had looked to see a car which was travelling south on Glen Drive, and he had turned to see this car, and when he looked back, he was right on top of a woman.

Q About this woman, was this woman pushing a perambulator or baby carriage in front of her? A. Yes.

Q Which direction was she proceeding? A. She was proceeding from the south side of Hastings Street to the north side of Hastings Street.

Q Could you describe the baby carriage at all. Was it a light or dark colour, large or small? A. It is not a very big baby carriage, but it was dark in colour. There were white rubber tires on it, but it was a dark blue. There was an umbrella, too, found at the scene of the accident, which was--which it appeared had been used--it was open; although it had been damaged to some extent, it was still open, which would

lead you to believe she had been using the umbrella, and it was wet.

Q It showed it was possibly open? A. Yes.

Q The baby, you have already stated, was taken to the Vancouver General Hospital. He had been moved before you arrived, and was in a car, and possibly would be conveyed to the hospital shortly after?

A Yes.

Q And the condition of the baby, can you tell us that?

A The baby received, from information I received at the hospital, head injuries and a fractured face, and serious shock.

Q It was in a serious condition? A. It was at that time.

Q Do you know how old the baby is? A. I believe it is 17 months.

Q And the baby, of course, would be in the baby carriage at the time, you found out? A. Yes.

Q Did the driver state to you that he had seen this lady and the baby carriage at any distance away, before the actual impact? A. No, he stated he did not see her until practically he hit her. He was right on top before he saw her at all.

SERGT. HIGGINBOTTOM Q: How about the lights of the car when you arrived there? A. When I was there, the lights were on bright.

Q The headlights? A. The headlights were on, and the driver's statement to the Sergeant was he had been running with his lights--more or less the parking lights.

Q He had been proceeding along with his parking lights?

A Yes.

Q He didn't tell you that? A. No, he told the Sergeant that.

Q Did he say who owned the car? A. His father owns the car.

Q Did he say whether he had or had not permission to use the car that night? A. No, he didn't state whether he had or had not.

JUROR Q: Were the brakes of the car in goodorder?

A The garage mechanic will give you that information.

Q At what distance could a car travelling at 30 to 35 miles an hour be stopped? A. If the brakes were in good condition, it could be stopped within 30 feet easily.

THE CORONER: Depending on the condition of the road, etc. There are a lot of factors to take into consideration in that.

JUROR: Have you any information on how the woman was dressed?

THE CORONER: It is a very good point to bring out.

A I would not swear, but I believe she had a dark coat on. When I saw her, she was covered with a blanket, and Police overcoat, so I would not swear to the clothes she had on, but I believe it was dark.

Q Do you know whether the general appearance was dark or light of the lady's dress? A. She had a purple hat. I know that for a fact. I would not swear to the colour of the clothes.

Q Is that the umbrella you saw? Put it in the position

you saw it. A. This is the umbrella.

The umbrella was open like this, lying on the road.

Q Was it raining very heavy? A. No, very lightly.

Q Just a light drizzle? A. Just a light drizzle. It was what you would say is a Scotch mist.

MR. McALPINE Q: It had been raining for some time, had it not? A. Oh, it had that day.

Q And the roads were wet? A. Yes.

Q From information you received, did you know that the driver of this car, Sawayama, had come from Port Hammond thatnight? A. That is so.

Q And that is where he resided? A. Yes.

Q Did you not also ascertain up uhtil a few blocks from the accident, he had been driving with his headlights? A. Yes, he had.

Q And that when he was coming into town, he noticed the cars approaching him were driving some with the dashlights on, and some with the blackout lights on?

A That is what he stated. He saw some with the lights dimmed, and he dimmed his too.

Q Because he thought it was necessary to put his dash-lights on, he put out his headlights, and travelled with the dashlights? A. I don't know what his reason was. He had been running with them bright, and saw the cars, and turned his down.

Q Having approached the corner of Glen Drive, he told you, or some other officer, there was a car coming into Hastings Street from his right? A. Yes.

Q And he watched just to see that it was stopped at the stop sign, or whether it would come right through?

A Yes.

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Q And just after he saw this car was going to stop, he looked forward again, and this woman was right in front of him. A. That is what his story was.

MR. MacLENNAN: Q: Constable, I am instructed this l Mrs. Ponyicky had on a grey coat. Do you recall that?

A I would not swear to it. She was covered with a Police coat and a blanket.

Q And the little girl in a pink coat? A. There was a pink blanket in the buggy.

THE CORONER Q: Behind you is a damaged baby carriage or perambulator. Is that the baby carriage you saw under the car at the right front corner? Just go over and take a look at it, gentlemen. A. That is the buggy I saw at the scene of this accident.

MR. McALPINE Q: I would like to ask the officer did the hood appear to be up? There was a cover to the baby carriage? A. That is the cover.

Q And that was up, was it not? A. I cannot state. This was the condition it was. It was in two pieces, when picked up, and this was the blanket and cushion that was in the buggy.

Q Is there a waterproof sheeting that goes over the child itself? A. I could not say. I hardly think so. There is the seat there.

THE CORONER: Is there anything further you can state, yourself? A. That is all I have.

Q Were you alone? A. I was with my partner.

Q Who was with you? A. 203, Rossiter.

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Q Is there anything further he can tell us? Did he do anything else, besides what you have already told us?

A No--I believe he has something to say.

MR. McALPINE Q: Mr. Berry, the driver of the car was excited and nervous, of course, at this time?

A He was a little excited and nervous; normal otherwise.

(Witness aside).

ALAN HENRY ROSSITER, Police Constable 203, City of Vancouver, being first duly sworn, testified as follows:

THE CORONER: Go ahead. A. Mr. Coroner, I answered this accident call at 8:10 p.m., to the intersection of Glen Drive and Hastings Street, with Constable Berry. I can corroborate in part most of his evidence, as to the positions, and the objects that were found there, and while Constable Berry was attending to the injured, I interviewed the driver and the witness.

Q Go on. Tell us what you found out. A. The driver told me, in the presence of the witness, that he was driving at a speed of between 30 and 35 miles an hour. A car was parked at the intersection of Glen Drive--on Glen Drive, on the north side of Hastings Street, and the driver, pointing out this car, said that on his approach towards Glen Drive, he was turning his head, and was watching this car, and that he did not see the woman standing in the roadway. A witness, who will appear, Gus Blomskog, 441 Glen Drive, told me the car was travelling very fast, and did not slow up at all, at the point of impact. We have information

that the driver had an appointment at 8 p.m. on this evening, at a funeral of a Japanese. I picked up a hat, a woman's hat, lying in the roadway, at a point which I will indicate on the map, at a distance 3 feet from the car tracks, in a direct line with the property line on the west side of Glen Drive. That was 3 feet north of the northerly car tracks on Hastings Street. That is all the information I have.

Q You said there was a car parked in Glen Drive. Was it parked, or stopped for traffic? A. It was stopped. It was in towards the sign on Glen Drive.

Q It had stopped for the stop street? A. At the stop sign.

Q Point out where the car stopped. A. I can point out approximately. I was not taking the measurements, or assisting in taking the measurements, but the position marked here of this square, would be the approximate position of the car.

Q Is that marked with any number? A. There are two marks, 3 and 4. I don't know which applies. No. 3.

Q Four was where the baby carriage was found under the car, and 3 would be the number of the auto.

A That 4 has a small mark which would indicate the position of the baby carriage. It was under the car, just ahead of the front wheel.

MR. McALPINE Q: Officer, the car that you saw parked in Glen Drive was the car which the driver had a reference to when coming up to that intersection? A. Yes.

Q Did you see the driver of that car? A. Yes, I

spoke to the driver. He said that he was approaching.

Q At the time? A. At the time.

Q Did he say whether he had seen the woman?

A He said he had not seen the woman.

Q He had not seen the woman and baby buggy? A. He had not seen the car either. He said at the time the accident occurred, he was possibly a block away, but on Glen Drive, approaching the scene of the accident.

Q A person approaching Glen Drive, travelling West on Hastings Street, could not see a block away, unless he got right into the intersection? A. There is rather a steep grade, approaching towards Hastings Street from the north. This would be the grade, steeply uphill. I would think it would be impossible to see an object in the middle of the road from Hastings Street, but it would be possible to see a car pass it, going in a westerly direction on Hastings Street.

Q What is this driver's name? A. His name is Sam Robbins.

Q His address? A. Fraser Velley Milk Producers.

Q Did he say he saw the accident? A. No.

Q Did he know there was an accident? A. Not until he arrived at the intersection.

Q By the way, the driver of the car which struck this woman telephoned the police and the ambulance, did he not? A. I could not tell you.

Q By the way, have there been other accidents at that corner, traffic accidants? A. Not to my direct

knowledge.

Q You have heard of them? A. Not at that point.

Q I am talking about the intersection of Hastings and Glen Drive. You don't know of any traffic accidents?

A I have not been engaged particularly in traffic business.

MR. MacLENNAN Q: Were there any marks to indicate the deceased lady was dragged along the pavement, or was carried on the car? A. I know of none.

Q Would there be any indications on the car or the pavement to indicate one or the other? A. Officer Berry may have that information.

CONSTABLE BERRY: I would like to make one statement. There are stop signs on Glen Drive approaching Hastings Street on both sides, so that Hastings is a through street.

THE CORONER: That would be stop signs on the north side and the south side?

CONSTABLE BERRY: Yes.

(Witness aside).

ARTHUR CLAYTON ROBERTS, mechanical superintendent, Vancouver City Garage, being first duly sworn, testified as follows:

THE CORONER: Gentlemen, Mr. Roberts, superintendent of the Vancouver City Garage, has made an examination of the automobile which you have already heard something about, and at this moment he will give you the results of this examination. You only examined the auto?

A Oh, I just saw the baby buggy.

Q That is the photograph of the auto you made an exam-

ination of? A. Yes, Mr. Coroner, that is a photograph of the car I examined. Mr. Coroner, acting on instructions from the Traffic Division of the Vancouver City Police to examine and test a car on the 24th of January, 1942, at 9:30 a.m., the license number was 82-558, B. C. License, 1941 license. The make was a Plymouth, and the year was 1940. The weight was 3045 pounds. The type of body was a sedan. The overall length was 15 feet 9 inches. The height 5 feet 7, the width, 5 feet 11. The colour of the body was a light green, the fenders were light green, and the wheels were light green. The footbrakes of this car are of the 4-wheel internal hydraulic type. The handbrake is of the propellor shaft type. At
2 20 miles an hour, the footbrake will stop the vehicle in 18 feet when fully applied. The handbrake will hold the vehicle on a 7.9 per cent. grade, when fully applied. The condition, type and location of road surface used for above brake test is wet concrete, Terminal Avenue.

Q Was it slippery? A. Yes, it was wet.

Q It was slippery? A. Yes, it was wet, sir. The footbrake will stop the car in the required distance, but the pedal of this car went to the floorboard. The hand brake is O.K. The car, Mr. Coroner, had a testing-station sticker on it, but that was due to be re-tested on November 30th, 1940.

Q Well, what does that mean? A. It means this car--the City passed a law that it should be tested every six months. Well, this car has evidently not been presented after it was first tested. It was

supposed to be due on November 30th, 1940. That was a year ago last November.

Q Supposing it is not a resident car of the City?

A I don't know what the regulations are with regard to that. I think, if the cars are using the City streets, they must be tested, but if they are intermittent, I don't know how it will apply. Gentlemen, the law requires that when a vehicle is equipped with brakes on each axle, and in this case, it was a 4-wheel brake, and the car is driven at 20 miles an hour, and the footbrake is fully applied, it shall stop within 37 feet. The law also requires that the brakes are taken care of in the proper manner. This car stopped in 18 feet, but at the same time, the footbrake went to the floorboard, and therefore the brake, in my opinion, is not in very good working order. Also it is required it should be equipped with a handbrake, which is capable of holding the car on any grade which it may negotiate, or, in any event, on a 5 per cent. grade. This one held on a 7.9 per cent. grade. Examination of the headlights showed that the right headlamp was O.K. on both beams. The left headlamp was O.K. on the lower beam, but the higher beam was not working. The tail lights were both working, and both stop signals were working. The instrument light was working, the license plate light was not working. The muffler was O.K. The rear view mirror was fitted, the horn was operating, and two wipers were operating. The car was equipped with a speedometer, and the speedometer is registering, and it tested O.K., and

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the speedometer reading is 21,067 miles. Examination of the tires showed the left front was fair tread. All others were good tread. Test of the steering gear--it was very poor. It was probably damaged in the accident. The mechanical damage was as follows: The front bumper of this car is 18 inches from the ground to the top of the bar, and the bar is 5 inches wide. The bar is brushed from the left end for 2 feet. The left front fender guard is bent back. The left headlamp lens is cracked at the bottom, and the rim is broken and dented. The left front fender is dented at the front end, and is bulged out on the outside edge, and marked on the crown. The inner left fender is dented about 24 inches back. The centre moulding of the radiator grill is dented and brushed from top to bottom. Under the car, the right steering gear drag link is bent up about 4 inches, and the under-side of the right knee-action lower beam is scuffed. There is a scuff mark on the right front fender, just inside of the right head lamp. The body was a complete wreck when I saw it.

THE CORONER Q: Can you point those things out on the photograph? A. Gentlemen, the car was scuffed, more or less, from this end, to 2 feet along. This fender guard was bent back, and also brushed. The mud was off it. The fender, as you will notice--you can see a hole in the lower part of the rim; there is a whole through it. There is also a dent inside here, on the inner fender. On the crown of the fender is a scuff mark. There is a mark

here which shows on the right front fender, and you will notice the grill is considerably dented; the dents are showing on it, and the dents are brushed off. There is another mark on the right--to the right of the centre, on the bumper. It shows in the picture very plainly, and underneath that is the steering rod which controls the right wheel. There is a lever to the right and left, but in the right wheel it is bent up about four inches. Underneath the car there are some marks on the muffler pipe, which may have been caused by the accident. That is all.

Q Was this auto in fairly good condition? A. It stopped at that rate at 20 miles an hour. I don't think that car, if it were driven at any high rate of speed, could be stopped as readily.

Q One juryman asked the question. This automobile going at 30 to 35 miles an hour--I believe you heard him ask the question? A. Yes.

Q How far would it go before it stopped? A. Well, in a premeditated stop, the book says they want 54 feet to stop in.

Q Without such a premeditated stop? A. Well, it depends on the man's reaction time. It may be 20 or 30 longer.

Q You have heard the officer state the street was wet and drizzly. You heard the type of surface. Would that have anything to do with the stop? A. Oh, I don't think it would stop as well on a wet street.

Q It would go over 50 feet? A. Yes.

Q Possibly 64 or somewhere around there? A. I think it would.

Q Then the auto was in fairly good condition. Is that correct? A. Yes, outside of just this brake, which, in my opinion, should have been attended to.

Q Was it a fit car to operate on the streets of the City of Vancouver? A. Yes, outside of that one point.

Q I would like to ask a question relative to the sticker. If a car is not in the City, naturally they cannot have a sticker put on it? A. No.

Q But if it is to be used in the City, I believe you said they should have on a sticker? A. Yes, that is what is required.

JUROR Q: Were there any pieces of the clothing or remnants of the baby buggy on the car? A. No, there was nothing attached to the car.

Q In your opinion, do you think that baby buggy would make that dent in the steering rod? A. Well, it seems rather odd that it could do that, but I think it is possible, yes.

Q That car stopped about as good as any car could have stopped? A. At that speed, yes; that is a good stopping distance.

MR. McALPINE Q: Since the blackout, a great many people have been driving in the City of Vancouver with their dash lights? A. Yes, they have.

MR. MacLENNAN Q: The baby buggy under one of the wheels would tend to slow up the car, I suppose?

A Under the wheel? Oh yes, it would help.

THE CORONER: In other words, you mean it would decrease the stopping time?

MR. MacLENNAN: Yes, decrease it.

THE CORONER Q: You understand that? A. Yes, it would be like a wedge on it.

Q It would probably stop at a shorter distance?

A Yes.

MR. McALPINE Q: On that there is no suggestion that the baby buggy was under the wheel? A. No, I would not know whether it was or not.

Q It was under the car itself? A. I would not know where it was. I only know what marks were left on the car.

(Witness aside).

GUS BLOMSKOG, 441 Glen Drive, Marine Lumber Company employe, being first duly sworn, testified as follows:

THE CORONER Q: Mr. Blomskog, did you see a collision--

A Yes.

Q With an auto and a lady and a baby carriage, at or near the intersection of Glen Drive and Hastings Street, in the City of Vancouver, approximately at 8:00 or 8;05 p.m., January 23rd. January 23rd was last Friday night. A. Well, I went for some cigarette papers.

Q Did you see such a collision? A. Yes.

Q Tell the jury what you saw, where you were, and the weather conditions, and all you know. A. I

came out to the corner, and I stopped and saw that woman pushing the baby buggy in front of her with the right hand;holding the umbrella in the left over her head. The baby buggy had something over the baby's head. I don't know what it was, and I saw, at the same time, a car was coming--I should say 40 or 50 yards between them, between the woman and the car. He had come pretty fast, but, to me, it looks she should be pretty much safe anyway, being that far, so I turned my head the other direction, and I heard a bang, a pretty hard bang, and I looked, and I saw like two small pillows drop on the right side of the car, and I don't know what it was. It looks to me like two small pillows, and he did not stop, and the woman was hanging on the fender of the car.

Q Where were you? A. I was standing on the east corner of Glen Drive.

Q Take him over to the plan. You mark out where you were standing. The officer will show you the plan.

SERGT. HIGGINBOTTOM: This is Hastings coming up here. That is west, and this is east. This is Glen Drive running up here. Back here is where the curb is. Where were you standing? A. Here.

Q That would be the southeast corner? A. The southeast corner.

THE CORONER:

Q Mark it "A", or a different mark from the others. You saw the baby buggy . Which direction was it going? Just wait until you hear the question. Don't answer before anybody finishes the question. You mark out where you saw this lady and the baby buggy

first?

SERGT. HIGGINBOTTOM: Where did you first see them?

A Right on the last track, a little over, half over the track.

Q Right in line with the building line? A. Yes.

THE CORONER:

Q Which direction did they go? A. They went to the waterfront.

Q They were going north? A. Yes.

Q On what intersection would it be, the east or west intersection? A. They went to the waterfront side.

SERGT. HIGGINBOTTOM: Were they on the east or west side of--? A. The west.

Q From the south to the north? A. No, they came from the other corner, from the west side.

Q This is south, and this is north--

THE CORONER: Q: Were they on the east or west pedestrian lane?

SERGT. HIGGINBOTTOM:

-- A. This is Hastings, and this is Glen Drive. In other words, this is the Sugar Refinery down here. They went towards the Sugar Refinery? A. They went that way.

Q They were going from the south to the north?

A That is what I say.

Q On the west side of Glen Drive, is that right?

A Yes, sir.

Q Put your mark there. A. There they was.

SERGT. HIGGINBOTTOM: I will put "B".

THE CORONER Q: Where was the auto concerned, when you first saw it? A. 40 or 50 yards, I would say.

Q Mark that "C".

SERGT. HIGGINBOTTOM: This is the concrete here, and this is the asphalt. Was it on the asphalt, or the concrete?

A No, it was close in, rather than over the centre. Yes, it looks to me too close to the centre.

Q Where do you want to put the mark? A. You should put it there.

Q You mark it, sir. A. (Marks).

SERGT. HIGGINBOTTOM: I will mark that "C".

THE CORONER: Q: Which way was the automobile proceeding?

A Heading west.

Q And you state it was going fast? A. Yes.

Q While he is there, show him a picture of the auto. Is that a photograph of the auto you saw?

A Yes.

Q How many people were in this auto? A. I could not say, because, when I saw that accident, I just went like a dummy. There were quite a few people ahead of me.

Q You stated that the automobile was proceeding west?

A Yes.

Q Was it light or dark there? A. No, it is light. There is a light on all four corners.

Q Well lighted? A. Yes.

Q Could you see the baby carriage easily? A. I didn't see any bay.

Q Could you see the carriage easily? A. Yes.

Q And you saw the woman? A. I saw the woman plain.

Q Was there anything you could notice which would

interfere with the vision of the driver of the car, so that he might not have been able to see this woman or baby carriage? A. I could not see anything else but that car on the north side on Glen Drive. He had his light on. He stood still.

Q Was there a car standing still on the north side on Glen Drive? A. Yes.

Q Was there anything to interfere with the driver of the car which collided with the baby carriage and the baby? A. I could not see anything else that would hinder.

Q There was no other car or street car? A. No street car, nothing at present.

Q Anything else? A. Not a thing. I could not see anything else.

Q Nothing to interfere with his vision? A. No.

Q How far were you away from the baby carriage and the lady? A. About 40 feet or 50.

Q And you also stated this automobile was proceeding at a rapid rate of speed? Can you estimate speeds of autos at all? A. Well, I told the policeman I figured up close to 35 miles an hour.

Q There were no other autos or street cars or pedestrians, or anything else there? A. Nothing that my eye could see.

Q But you also stated there was an auto parked on the north side of Hastings Street, on Glen Drive.

A Yes, but he stood still, but he had a light on.

Q He had a light on, which would illuminate a little more, do you mean? A. Yes, he had the front

light on.

Q Was it a wet rainy night? A. No, it was damp on the street, all right.

Q Drizzling? A. Yes, just a little, nothing to talk about at that time.

Q Was this lady walking fast or slow? A. She didn't walk fast and she didn't walk slow. The usual, just walked between--

Q You think she was going the ordinary rate of speed, then? A. Oh yes.

Q Do you think she also saw this automobile?

A I could not say that.

Q You also stated she had an umbrella up? A. Yes.

Q Do you think the umbrella would interfere with her seeing this motor vehicle? A. No, because she had it too high up. She had it so high up, she could see anything.

Q Any direction? A. Yes.

Q The baby carriage you see there, is that the carriage you saw there? A. Yes.

Q And the umbrella. Is that the umbrella? A. It looks like grey to me, but now I see it is blue and grey. That is the umbrella, all right.

Q Now the baby. Did you see the baby at any time?

A Well, after they hit, I could not see any baby, only the woman there, hanging on the fender.

Q The woman was hanging on what fender? A. On the front of the car.

Q On what side? A. On the left side.

Q On the left side fender, and she was hanging on that?

A Yes.

Q And the car went how far before it stopped after the actual impact? A. I could not say that, but I figure about 40 feet, or something, 45.

Q You don't know? A. I don't know that.

Q Did you hear any horn blown? A. No, no horn blown at all. It was as quiet as it could be on Glen Drive.

Q Did you notice the headlights of this automobile?

A Well, I didn't look very good. I could see there was just a car coming.

Q Did you notice it had big head lights on, or parking lights; you know what they are? A. Yes, but I don't know about that, because I didn't expect anything like that.

Q Did you notice if the car was very wet? As if from a rainstorm, and the windshield was pretty well fogged up? A. I was not close in to the car at all.

Q Did you go over at any time? A. Yes, I went over, but there were quite a few people ahead of me. I could not go anyway. I was, as I said, just like a dummy.

SERGT. HIGGINBOTTOM Q: You know a little bit about cars, Mr. Blomskog. At the time, would you say it was raining hard enough to necessitate having the windswipes going on the car, or could he be driving without? A. Yes, you could walk in your shirt at that time, but not get wet.

Q That is all right for walking, but did you have to

your windshield swipe going? A. No, there was not enough rain for that.

Q This car was parked on the north side of Hastings Street; it was coming up? A. He stood still.

Q It had come up the hill? A. Yes.

Q What lights did he have on? Were they bright lights to attract your attention? A. Oh they were pretty bright.

Q And the car going along Hastings, were they as bright as that, or dimmer, the car in question, going west on Hastings? A. I couldn't tell you that, either, because I didn't look. I just happened to look in the direction.

Q You would not compare lights at all? A. No, I cannot say that, because I didn't look.

JUROR:

Q Would the car stopped on Glen Drive--would the lights kind of bother the other man? Would it bother your eyes to see them? A. No. I don't think it should bother that driver, because it didn't bother me looking straight at his lights, because he was a little too far down the hill.

Q Show us where the body was hanging. A. It was hanging just about there, on the left side.

Q Did you see the buggy? A. No, I didn't see it. I just saw two small pillows. This is where it hit, and when, and where it stopped, she just tumbled out, she rolled out.

MR. McALPINE Q: The car that was coming south on Glen Drive, that was stopped on the north side of the street, that was stopped opposite the stop sign?

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A Yes, he was stopped.

(Witness aside).

AKIRA SAKANASHI, Port Hammond, clerk, being first duly sworn, testified as follows:

THE CORONER Q: You were a passenger in the car which we have heard about here to-day, that is the Plymouth sedan, 82-558? A. Yes.

Q B. C. 1941 license. What side were you sitting?

A I was sitting in the front seat, beside the driver.

Q Who was the driver? Give it slowly, so that the stenographer can take it down. A. Takashi Sawayama.

Q And you were coming west on Hastings Street?

A Yes.

Q You were going into the city? A. Yes, sir.

Q At what time? A. Approximately 8:10.

Q You go ahead and tell the jury about what rate of speed you were going, and all you know concerning the incident. A. Well, we was approaching Vancouver, travelling west on Hastings Street, and just before this accident took place, the driver noticed other cars with dimmed lights, so he dimmed his lights. He told me about it, and I agreed with him, and he dimmed his lights. And I was looking forward; driving at a normal rate of speed.

Q About what rate of speed? A. About 25 or 30 miles an hour. And then, at the intersection of Glen Drive and Hastings, I saw this woman right in front of the car, and at that moment the car stopped.

Q At that moment the car stopped? A. Well, it didn't stop instantaneously, but it stopped.

Q It didn't stop until after the collision, did it?

A Yes, after we hit her.

Q But that would not be at that moment, it would be some moments later? A. Yes, some moments later.

Q Tell the jury what happened. Don't mislead them.

A Well, I was looking forward, and at that instant--

Q You saw a lady. Was there a baby carriage there?

A I did not see the lady at all?

Q You did not see the lady? A. Not until we struck her.

Q Did the lady have the baby carriage in front of her?

A I did not see that, either.

Q You did not see the baby carriage? A. No.

Q You saw a lady? A. I saw the lady when she was flung up in front of us.

Q You saw her after the impact? A. Yes.

Q You did not see the lady or buggy until after the impact? A. No.

Q When you saw her was when the car was stopped, is that what you mean? A. No, when I saw her, the car was sort of slowing down.

Q Then it stopped? A. Yes.

Q But there had been an impact? A. Yes.

Q And she was on the car. Go over to the pasture. Is that the picture of the auto? A. Yes.

Q Point out to the jury where the lady was when you first saw her? A. The lady--this is the

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driver's side.--I saw her legs come up this side somewhere, and the car stopped, I think.

SERGT. HIGGINBOTTOM: Pointing to that, he makes a motion up over the left front headlight. A. When I saw her leg, she was on the road.

THE CORONER:

Q Were you looking forward in front of the car, as the car was proceeding west on Hastings? A. Yes.

Q Wereyou looking through the windshield? A. Yes.

Q Was the windshield wiper on? A. It was on.

Q Was the windshield clear. Could you see through it easily? A. Yes, sir.

Q Was it fogged on the inside, to interfere with your vision? A. No, sir.

Q Was there anything there to interfere with your vision, so that you could not see this buggy, and the woman in front of the car, before the actual impact?

A Well, I don't think there was, sir.

Q Is there any reason, then, if you werelooking in front of you ahead that you did not see this buggy and woman before the impact? A. I don't know, sir.

Q Were you talking to the driver? A.No, sir.

Q Or was he talking to you? A. No, sir.

Q You had already talked about the dim lights?

A That was before we had come to this intersection, about two or three blocks before.

Q Were you talking about anything else after that?

A I don't remember, sir.

Q You don't know whether you were or not? A. No.

Q There is no reason you can tell the jury why you could

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not see the baby carriage and the lady before you did.

A No sir.

Q That corner is pretty well lighted up, is it not?

A Yes, there are 4 lights on the corner.

Q And the street is pretty wide there? A. Yes.

Q Did you notice if there was a car parked on the north side of Hastings at Glen Drive? A. I did not notice this car at all.

Q You did not notice the headlights? A. No, sir.

Q How many were in the car besides the driver and you?

A There were just the two or us.

Q Were you in a hurry to get to town? A. No, sir.

Q Where were you going? A. I was going to this funeral of a Japanese.

Q What time was the funeral? A. 8 o'clock.

Q You had to be there at 8, and this was after 8?

A Yes.

Q You were not hurrying up to get there, were you?

A No, we were not in a hurry.

Q What was your object in going at all, then?

A Well, it is a way that sometimes--it always has been the Japanese time has always been delayed. We did not think anything of it. We just kept going.

Q Where was the funeral going to be? A. At the Fairview United Church.

Q That would be quite some distance from where you were? A. Yes, sir.

Q Was it raining? A. Yes, sir.

Q Fairly heavily? A. No, sir.

Q Slight? A. Just slightly.

Q Was the road slippery? A. I think it was, sir.

Q Did you notice at any time that the driver might have had trouble in manipulating or handling the car you were in? A. No, sir.

Q He seemed to have it under good control at all times?

A Yes, sir.

Q And at no time did he have trouble with it, previous to this impact? A. No, sir.

MR. McALPINE Q: You said that you had some discussion about the dimmed lights. What was the cause of this discussion? A. Well, when we saw the other cars with dim lights, naturally we thought this dim law in Vancouver was in effect, and he dimmed his.

Q He put on his dashlights? A. His dashlights.

Q The driver of this car and you both live in Port Hammond? A. Yes.

Q And you have been living there for some years?

A I have been there 3 years.

Q How long has he been there? A. For 22.

Q He is employed there? A. Yes.

Q And he comes into Vancouver very seldom, is that right?

A Once in a while.

MR. MacLENNAN: Q: I am not quite clear where those dash-lights were. On each side of the windshield, there are small cowl lights.

THE CORONER: Just point them out on the photograph.

A The dashlights. These are they.

Q Just above the headlights? A. Yes.

Q The headlights themselves were entirely off? A. Yes, sir.

SERGT. HIGGINBOTTOM Q: After the accident, who 'phoned the police? A. Mr. Sawayama.

Q And for the ambulance too? A. Yes.

Q When the police arrived, what happemd then?

A Well, he gave the particulars to the police.

Q Eventually you came to the Traffic Office. A. Yes.

Q What happened there? A. Well, we made out the accident report.

Q Who iswe? A. Mr. Sawayama.

Q He made out the accident report and signed it?

A Mr. Sawayama.

THE CORONER Q: Do you know anything about the owner of this car; who owns it? A. Yes, sir.

Q Who owns it? A. His father owns it.

Q Give the name. A. Gonozo Sawayama.

Q Where does he live? A. Port Hammond.

Q Have you bbdden in this car before? A. Yes.

Q Ever been in the City of Vancouver recently, previous to this date? A. In his car?

Q Yes. A. No, sir.

Q Had the car been in Vancouver a few days before this date? A. No, sir, I don't think so.

Q Do you know if the car had been driven from Port Hammond to Vancouver ; was it in use for that purpose?

A I don't know, sir.

SERGT. HIGGINBOTTOM Q: Do you know if Takashi had permission to use the car on this particular day, or did he just use it? A. He had permission.

Q He had permission from his father to go into Vancouver with this car that day, with a sticker on over a year

old? A. I don't know anything about the sticker, sir.

THE CORONER Q: Did you notice where the baby was at any time after? A. The baby was at the rear of the car, and somebody picked her up, and he was carrying her to the ambulance. That is when I first saw it.

Q Someone picked the baby up and carried it to the ambulance or another car? A. I think it was to the ambulance.

Q How long was it after the car--how long was it before the lady was taken off the car, after the car had stopped? Did someone take her off the car right away after it stopped? A. I think she dropped off.

Q She fell off? A. Yes.

Q Then she was moved to the side of the street, is that right? A. Well, she was somewhat apart from the car.

Q She stayed there until the police came. She was not moved? A. No, she was not moved.

Q She did not move at all, and the car had not been moved? A. No, sir.

Q Did you see this other car that was stopped at the north side of Hastings Street? A. That car I did not see.

Q Were there many other cars on the street? A. I think the traffic was normal; there did not seem very much.

Q Did you see any other cars? A. At that time?

Q Yes, or just previous to the impact? A. No, sir.

Q Were there any street cars, or any other pedestrians?

A No, sir.

Q Had you or the driver been driving alcoholic liquors or anything? A. No, sir.

Q You had not? A. No, sir.

Q Was the driver in good condition? A. Yes.

Q Had he been sick or anything, recently? A. No, sir.

Q He was not worried or distressed or sick, or in ill-health at all? A . No, sir.

(Witness aside).

TOMMY TAKASHI SAWAYAMA, Port Hammond, P.O. Box 120, boom man called:

THE CORONER: I understand there is a charge against this man.

MR. McALPINE: Yes, there is.

THE CORONER: Now you have the right--you understand English, and speak English well? A. Yes.

Q You have the right to come in here and tell your story as you see fit, as you know it happened, and you also have the right to answer any question you have heard asked and answered that you might that you might have considered was answered wrong or incorrectly. I understand there is a charge against you. I am going to let you have that right if you wish. Now, you must make up your own mind whether you want to do so or not, but if you do make up your mind and consider you wish to tell your story, you will be sworn in, and you must tell the truth,

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and what you say will be written down by the stenographer in front of you here, and may be used for or against you at some other time. You have nothing to fear from any threat, nor have you anything to expect from any inducement that may have been held out. You understand what I told you? A. Yes.

Q What do you want to do? A. Well, I will take the stand.

MR. McALPINE: Your honour, I wonder if you will instruct him he is entitled to the benefit of the Canada Evidence Act?

THE CORONER: Do you want to talk to him?

MR. McALPINE: Yes.

THE CORONER: Go over and talk to him.

MR. McALPINE: Ask for the benefit of the Canada Evidence Act.

THE CORONER: It is already written down. You want to give your own story.

(Witness sworn).

THE CORONER: Q: Go ahead and tell your story then.

A Well, as you know, Friday--

Q Tell the story to the jury. Tell them all about it.

A Gentlemen, I don't know if you have heard about the funeral or not, but I was supposed to go to a funeral service at 8 o'clock, so on Friday night, January 23rd, I left home about 7 o'clock. I picked up my friend about 7 o'clock, and I left for Vancouver, and we were on Hastings Street, just a couple of blocks this side of Vernon Drive, when we saw two or three late model cars coming--I don't know what the direction is.

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MR. McALPINE Q: Towards you? A. Yes, towards me.

THE CORONER Q: Going east? A. Going east.

Q You were going west? A. Yes.

They had the same lights as what I had on that night, that is, parking lights. So when I went home that night--I mean, when I got home from work that night, before I went to town, I saw a piece in the Daily "Province", saying there was a penalty, to that effect, if you did not dim your lights in Vancouver.Centre; you would be fined, or something like that--I forget now, so when I saw those cars, I dimmed my lights to parking lights, and I kept coming along, and I got--when I almost got to Glen Drive, I saw a car coming up south, towards Hastings Street, It was a late--about a '38 Pontiac, or something like that, I forget now, and it was coming up. I was watching that, and when I took my eyes off that, I just hit her like that.

Q You hit the baby carriage and lady, you mean?

A I didn't see anything. When I hit it, I just saw this lady in front of me.

Q But you did not hit the other car you are talking about? A. No, no.

Q I thought you were talking about another car.

A Well, the reason I was watching this car was I thought it might not stop. It is just a habit of mine. I know it has got to stop, but I just watch to see if it stops. Well, I was going along--when I saw this car, I thought it might not stop, so I kind of slowed down; I think so; I can't remember. Anyway, that is

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what I think. I was going at the rate of about say anywhere between 25 and 30 miles an hour. After the accidant I told the Police Officer I was going about 30 or 35. The reason why I said that was because I was scared. I did not know what I was doing, and the other gentleman who was a witness in here, said I was going a pretty fast rate of speed, and I did not know what to do, and I said 30 or 35.

Q You are not frightened now, though? A. Well, I don't know.

Q You know what you are doing now? A. Yes, I know what I am saying now, and one of the officers took it down, and when I hit the lady, I got off the car and I went over to the lady, to see if I could be of any help. Well, I thought there was nothing else I could do, and I ran across to the store across Hastings Street. There was no 'phone, so I went to the apartment next door, and I 'phoned the Vancouver Ganeral Hospital, the ambulance, and another gentleman with me--a gentleman there with me, who was in the apartment there, helped me to 'phone the Vancouver City Police--to the Police, anyway, and after that, a minute or so after that, the Traffic Officer came and started asking questions, and took me over to here.

Q Is that all your story? A. Well, there was a slight rain;when we were coming up from the country it was raining a little heavier, but when we came to East Hastings, there was not much rain, but I guess we had to have the windshield wiper on. It was going.

SERGT. HIGGINBOTTOM Q; This car, I understand, is owned by your father? A. Yes.

Q He let you have it to come into town that night?

A Yes, sir. It was to this funeral service.

THE CORONER Q: How old are you? A. 22.

Q You have a driver's license? A. Yes.

SERGT. HIGGINBOTTOM: About this test sticker, is it some-time since the car has been in town? A. Yes, it has been in town, yes, sir.

Q It has been in town? A. Yes, sir, in Vancouver.

Q A year, or three months? A. Yes, it has been in here this year.

Q Did you not go down to the Testing Station to renew the sticker? A. No, the reason I did not do that was because we were never notified-- We are up in the country, and I don't think there is any law stating you had to. If you don't want to, you don't have to. I didn't know, so I didn't do it.

Q You say at the scene of the accident you were frightened?

A Yes.

Q What caused you to be frightened? A. Well--

Q The accident itself, or did somebody there frighten you? A. I guess it was the accident itself. It is the first accident I ever had, so I just--

Q Don't you think a better words would be 'unnerved', rather than 'frightened'. Nobody tried to scare you?

A No.

Q You were just upset over the accident? A. Yes.

Q Then you came to the Police Station? A. Excuse me; when I was up at the accident, the first gentleman, the witness, he was raving, not raving, but yelling out in a loud voice I was going at a fast rate of speed, which I was not. I was going between 25 and 30 miles an hour, with parking lights.

THE CORONER Q: Was there anything there that would alter your opinion, that you would say between 30 and 35?

A Well, this gentleman saying I was going a fast rate of speed, 35 or 40 miles there, I was scared, and I did not know what to say, and I said 30 to 35, the first thing that came into my mind.

Q You have changed that? A. Yes, I do.

SERGT. HIGGINBOTTOM:

Q After the officers arrived, and the injured parties went to the hospital, you came to the Traffic Office here? A. Yes, one of those gentlemen--there were two in the patrol.

Q There were about 5 or 6 altogether? A. I can't remember.

Q And you made the report? A. Yes, I did.

Q On the required form? A. Yes.

Q And signed it yourself? You were not forced into it?

A I can't remember. I signed one--I don't think I remember signing anything. I don't know. You did not help me to sign that?

CONSTABLE BERRY: He signed the report to the Provincial Police himself.

THE WITNESS: Did I sign that?

CONSTABLE BERRY: Yes.

THE CORONER: The report to the Provincial Police?

CONSTABLE BERRY: The accident form which must be filled out for the Provincial Police.

THE CORONER: Justthe regulation Accident Form.

JUROR Q: Your windshield wipers were working at the time?

A Yes, sir.

THE CORONER Q: Was there anything in your vision that would interfere with you so that you could not see this lady and this baby carriage before you struck her? A. No, not as far as I could see. There was nothing.

Q Wereyou talking to your friend? A. Well, I can't remember that far.

Q You had been talking to him? A. I had been talking previous to that about parking lights.

Q You don't remember if you were talking to him at that moment, or not? A. I don't remember.

Q Were you looking ahead? A. No, not at that time, when I come near the intersection. I was watching this other car coming up Glen Drive, towards Hastings Street. I had my eyes on that, to see whether it stopped or not, because that is my habit. I kind of eased on the accelerator, and when I was going to step on the gas and turned my face around, I just hit her like that.

JUROR Q: How long have you driven a car? A. I have driven a car about three years.

Q How far do you think you could drive with your speedometer blacked out, 10 miles steady, at the rate of 40 miles an hour. You did not have your speedometer? A. I don't quite understand.

Q You say you did not have a speedometer on the car at all? A. Yes, sir.

Q Can you drive for 10 miles at the rate of 40 miles an hour steady? A. You mean, with the parking lights?

Q No, broad daylight, at any time, with no speedometer, at 30 miles, or 40 miles. Can you keep that steady without a speedometer? A. Once I got to the rate of 40 miles, I might hold it for that distance.

Q You see, the natural tendency is to step a little more on your speedometer when you look away--on your accelerator. You looked away from the front of your car, and then, when you looked back, did you look at your speedometer, or not? A. No, I did not look.

Q That might cause the difference between the two calculations of speed? A. When I saw this car coming up to Hastings, that car north of Hastings, I imagine I kind of slowed down and put on the brakes, and when I saw him stop, and about to step on the gas--it was like that.

Q It was because you were looking towards this car on Glen Drive you did not notice the lady? A. No, I didn't see the lady until I hit her.

MR. McALPINE: Q: It was just after you stopped looking? You turned your head from the car, and really looked in the front again, and the impact happened; is that correct? A. Yes.

Q Now, the condition of your car. Was your car

inspected and the brakes tested in Port Hammond by the garage man sometime shortly before this accident?

A Well, I think when I was insured, Mr. Tanaka.

Q Never mind Mr. Tanaka. Tell me approximately when it was done, a month or two, or how long?

A About three or four months.

Q Asefar as you know, your car was in good condition when you took it out that night? A. Well, yes.

MR. MacLENNAN Q: How long were you looking at this car on your right, and not looking ahead? A short length of time? A. Well, you see, there is a house on the corner, so I could not see the car very good at first, and when I got near the intersection, I saw this car coming up, and I kept my eyes on it, and slowed down on the accelerator.

Q How long did you keep your eyes on the car?

A Well, maybe a little too long, I guess.

(Witness aside).

THE JURY RETURNED THE FOLLOWING VERDICT:

That Anna Ponyicky of 1825 Powell Street, Vancouver, B. C., came to her death at the Vancouver General Hospital, Vancouver, B. C., at 11 p.m., January 23rd, 1942, as the result of injuries accidentally received the same night, at about 8 p.m., when she was in collision with auto B. C. 82-558, as she was pushing a baby carriage, containing a baby, at the intersection of Hastings Street and Glen Drive, Vancouver, B. C. We attach the blame to the driver of the said car, namely Tom Takashi

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Sawayama, for this accident.

I hereby certify the foregoing to be a true and accurate report of the proceedings herein.

D. F. Saunders

Sworn Stenographer.

147 fols.

Certified Moorhead Coroner