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The Dalhousie GAZETTE

CANADA'S OLDEST COLLEGE NEWSPAPER

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with Don Warner

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BOOKSTORE COMMITTEE'S FINDINGS

Fraser and Flinn Take Smith Shield

The coveted Smith Shield, highest oratorical and debating award a law student may receive, was jointly won by Murray Fraser and Ted Flinn, third-year lawyers, Thursday night.

The two winners opposed each other in court, hotly debating a hypothetical appeal case before Justices Parker and Patterson of the Supreme Court of Nova Scotia, and President of the N. S. Bar Association Ian M. MacKeigan, Q.C.

Subject of the appeal was the issue, as yet unsettled in Canadian law, of whether a radio station can be held strictly liable for alleged defamatory statements made by a political speaker during a broadcast. For the appellants, and contending there ought to be such liability, were Flinn and Gary Homer; for the respondents, Fraser and Graham Walker. Both Homer and Walker, third year law students, were also finalists in Smith Shield competition.

Flinn and Homer won the case itself, with Flinn arguing that the medium of radio, without fault on its part, may be used to libel a person, and therefore due care to prevent the libel is no defence, and there must be strict liability. The burden, he continued, still lies with the radio station because, whether intended or negligent, it has taken a subordinate part in disseminating the libel, and is in this respect similar to a newspaper, which is subject to strict liability.

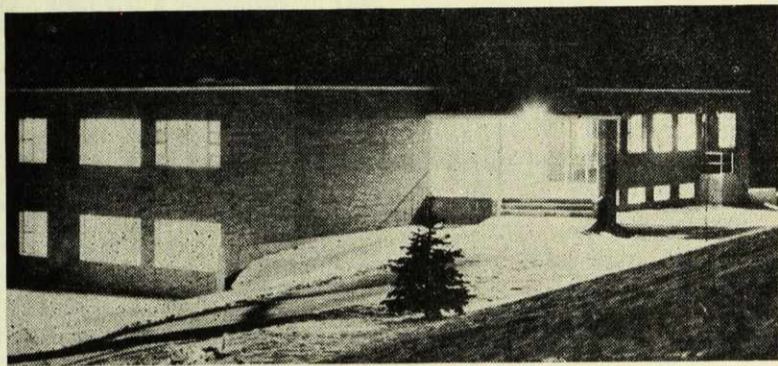
Homer pointed out that calling a person a Communist, the alleged defamatory statement in the case, may quite possibly be defamatory and damaging to a person's reputation in certain circumstances, and he alleged that loss in the appellant's business could be traced directly to the defamation.

Fraser, arguing for the radio station, said that stations were obligated by statute to donate free time to political speakers, and that there is no reason why stations must therefore censor political scripts before they are aired. He said that only if a station could be shown to have been negligent could it be held liable, and since no negligence was alleged by the appellants the case ought not to go to trial.

Walker then spoke upon Communism, and why naming a man a Communist sympathizer cannot be held defamatory.

Following the court's decision, Mr. Justice Patterson awarded the Smith Shield to Flinn and Fraser, congratulating them upon an excellent performance.

THEY GOT IT— HOW ABOUT US?



Shown is the well-known Students' Union Building on the Campus of the University of New Brunswick. Containing meeting rooms, offices, a large lounge, and a modern cafeteria, it is one of the most popular and most-used buildings at the university. Considered to be a big factor in the strong campus spirit exhibited at U.N.B., it was financed by the joint efforts of students and alumni, with the university paying for the early upkeep.

P.C. LEADER KIDNAPPED DURING MOCK PARLIAMENT

By IAN MacKENZIE

A successful kidnapping attempt and two desertions from the ranks of the P.C. party highlighted the 1960 undergraduate Mock Parliament.

In the middle of the first sitting, Wednesday night, P.C. leader Mike Steeves was called from the House by a phony telephone call and seized by three masked kidnapers. However, the abduction was short lived, and, after being photographed with a 'Vote Liberal' sign around his neck, Steeves was released to return to the House to lodge a protest with Speaker Leonard A. Kitz.

The first desertion came Wednesday night when P.C. Jill Armstrong crossed the floor, declaring that she could no longer support the principles of her party. This came in the wake of opposition leader Steeves' attack on the Speech from the Throne, which had been delivered earlier by Air Commodore W. I. Clements, acting as Governor General.

The following night another P.C. member, Barbara Bollman, crossed to the Liberals, saying that she felt she could no longer support the Tories.

Throughout the parliament the Liberals retained a safe majority, although they were almost caught napping at one point on Thursday when the Conservatives called that a question should be put while the greater portion of the Liberals were out of the room. However, Speaker Kitz's rather obvious reluctance to permit this, saved them from what might have been a temporary defeat.

Four major bills were presented by the two parties during the session. The two government bills were "The Income Tax Amendment Act of 1960" and "An Act respecting the Sovereignty of Canada". The Conservative bills were "An Act to establish a Labour Management Arbitration Board" and "An Act to provide for Penitentiary Construction and Reform of the Federal Penal System".

The government act respecting the Sovereignty of Canada provided that a distinctly Canadian flag should be adopted. This flag was a red diagonal cross on a white background with a green maple leaf in the centre. It was presented during the first sitting, and the act was carried only by the government majority under a hail of protests from the opposition benches.

The opposition act calling for the establishment of a Labour-Management arbitration board was defeated, but the other two acts gained the support of both sides of the House and were carried without difficulty.

Despite being an entertaining session, it was felt that some of the speeches had not been more carefully prepared. The Speaker, too, could have kept a firmer grip on the House. At times the debate on Wednesday was in danger of getting out of hand. It is also to be hoped that next year the Governor-General will be done the courtesy of being given a guard of honour.

Student Management Best, But No Change In Sight

"We feel that the Dalhousie Book Store should be run in the interest of the students," was the tenor of the Book Store Committee's report submitted by Wally Turnbull and John Chambers to the Students' Council at last Tuesday's meeting.

"This can only be done", the report, which was accepted, went on to say, "by a person or persons who do not depend upon sales profits for their sole source of income." The findings were based on an investigation of the systems at fifteen other universities, and it was concluded that "on the whole, student-run book stores meet with appreciably more approval than those operated by administrations."

Dal's administration has already accepted in principle recommendations for improving our present system. The Investigations Committee also suggested that (1) Mr. Atwood be approached to hire extra help during the rush period, and (2) that the university be asked to study the problem further in the hopes that the operation of the store might be turned over to student or administrative control. But the Committee was not particularly optimistic, indicating that the university is quite satisfied with present arrangements.

Members of the Gazette editorial board were present for a short time in answer to a summons for an inquiry about an article entitled "Is the Coach to Blame?" appearing in

a recent issue. After brief discussion, the issue was dropped.

Correspondence brought to light the fact that the Senate has agreed to consider a number system for examinations.

It was also revealed that Pharos will probably not be published before graduation.

If all goes according to plan, we will be dancing on Munro Day to the strains of a thirteen-piece orchestra from the Berkely School of Music in Boston. Gregor Murray recommended that the Council undertake the experiment. Because of the high cost involved, opinion on the issue was divided, but those in favour of importing big-band sound eventually prevailed.

The nominations list compiled by the Elections Committee was ratified. A motion was made and carried that there should be considerable publicity for all students competing for elected positions.

MOUNT A TO PLAY DAL

The Students' Council is sponsoring a hockey game between Mount A and Dal on the Monday of the Munro Day week-end. There is a possibility that a second game will be played the following night.

Liberal Leader Snatchers With Mike Steeves

