Gateway

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The black and white zappers

Soon the purge will come! If your car is in a parking zone without a vaild parking sticker, for that zone, you can look forward to a long walk and parting with some coins to bail it out.

During the initial rush of students during registration, the Campus Security Force & Parking Office were quite lenient with parking offenders, towing only those in reserved stalls, fire lanes, loading zones and access roads.

After the initial rush though, troops of the Campus Parking Office, followed by a line of black and white zappers, prowl the various parking zones of the U of A zapping those cars illegally parked.

If you're lucky your car will be at the downtown storage lot, but it could also end up in Cliff's Jasper Place lot. The bail is set at $7.50 (at time or writing) plus a daily storage charge of $1.00, if applicable.

With more luck you'll be able to shanghai a friend to drive you there or, you're in for a long walk. Cab fare is a bit over a buck. You could save some gold by phoning first ensuring which lot your car is in.

Little good will come of arguing with the dispatcher at Cliff's since all towing is done under the authority of the Board of Governors and is legal, including opening your car. (When they open it you save $5.00 since they won't need the dolley wheels.)

If your car is towed, (this article is meant as a warning that soon they'll be cleaning out the zones) don't get too uptight, it's been done before and will happen again, until students at this institution of higher learning learn how to read signs. Phone Cliff's, find out which lot your car is in and go bail it out.

Before moving your vehicle check it for damages of towing and check the contents. The CSF and the parking officers record, before the vehicle is towed away, obvious damage, contents visible, the method of entry, drivers name and time of towing. If you have a valid complaint, don't argue with the people at Cliff's, phone the police.

By many people's experience it has been found that Cliff's are not too responsive to complaints since they get many that are not valid.

If you feel that you have been shafted on the deal, parking tickets can be appealed or you could always buy a parking permit.

$262 million

A record total of $262.161.00 has been received to date in this years 1974 annual Cancer Crusade Campaign.

Dr. B. Kredentser, society president, stated that this dramatic increase is 18% over the previous year campaign objective.

"It is most gratifying that the public is generously supporting the work of the Canadian Cancer Society, its programs of cancer research, and the many exciting scientific projects, service to the cancer patient and varied educational programs."

Said Dr. Kredentser, the next 12 months are extremely important to the Canadian Cancer Society. It may be expected that we will be able to meet most of the cancer research committments.

We are most grateful to the generous donors and to all those many hundreds of dedicated volunteers who helped make this spectacular financial success.

Can't take it with you

Remember when you first found out that when all is said and done the human body is worth just a little more than $7.00 worth of chemicals and minerals? If you were offended by the paltriness of that sum, Harpers magazine has good news. They've complied a list specifically for people who feel that "evolution's ultimate product has to be worth more than a steak dinner."

According to the list: Human milk is now worth 25.50 a half gallon. Blood is up to $50 a pint for some rare types. Enough hair to make a full length wig is going for $150 and student grade skeletons are selling for $250 while a top grade set of bones goes for as much as $500.

letters

Horse malarky

This letter is written to comment upon your article "Horsefeathers" which appeared in the Gateway Sept. 5. The article ostensibly dealt with a law case; the conviction under the Small Birds Act of one Fred Ojibway for shooting his pony.

Someone is perpetrating a massive practical joke; summaries of the original "case report", along with editorial expressions of outrage at the judicial stupidity apparent in the story, have appeared elsewhere than in Gateway.

There is no such case. Originally, ***Regina v. Ojibway*** was created by H. Pomerantz (of TV show "This is the Law" fame) and S. Breslin; it appeared under the Heading "Judicial Humour - Construction of a Statute" in the Criminal Law Quarterly of 1965. The article has been reproduced in other works since then-e.g. it appears in a casebook used in first year law here, and it was printed in the Harvard Law School Bulletin (not the Harvard Law Review, as the story states).

The article was written to satirize the bizarre interpretations which judges sometimes attribute to statutes, but it was certainly never meant to be taken seriously; Fred Ojibway and the Small Birds Act are fictitious, as is the entire case; it is of course not a precedent for the Supreme Court or for anything else.

Certainly, no harm is done to the legal profession by a clever satire such as the original R. v. Ojibway; but I'm sure that the authors would be dismayed to learn that their article has been distorted and misinterpreted to the extent that it has, both in Gateway and in other publications which failed to recognize it as a satire.

sincerely,
Gord Falconer
Law 2

(IN THE SUPREME COURT)
REGINA v. OJIBWAY

BLUE, J. *AUGUST, 1965*

BLUE, J.: This is an appeal by the Crown by way of a stated case from a decision of the magistrate acquitting the accused of a charge under the Small Birds Act, R.S.O., 1960, c.724, s.2. The facts are not in dispute. Fred Ojibway, an Indian, was riding his pony through Queen's Park on January 2, 1965. Being impoverished, and having been forced to pledge his saddle, he substituted a downy pillow in lieu of the said saddle. On this particular day the accused's misfortune was further heightened by the circumstance of his pony breaking its right foreleg. In accord with current Indian custom, the accused then shot the pony to relieve it of its awkwardness.

The accused was then charged with having breached the Small Birds Act, s.2 of which states:

2. Anyone maiming, injuring or killing small birds is guilty of an offence and subject to a fine not in excess of two hundred dollars.

The learned magistrate acquitted the accused, holding, in fact, that he had killed his horse and not a small bird. With respect, I cannot agree.

In light of the definition section my course is quite clear: Section 1 defines "bird" as "a two-legged animal covered with feathers." There can be no doubt that this case is covered by this section.

Counsel for the accused made several ingenious arguments to which, in fairness, I must address myself. He submitted that the evidence of the expert clearly concluded that the animal in question was a pony and not a bird, but this is not the issue. We are not interested in whether the animal in question is a bird or not in fact, but whether it is one in law. Statutory interpretation has forced many a horse to eat birdseed for the rest of its life.

Counsel also contended that the neighing noise emitted by the animal could not possibly be produced by a bird. With respect, the sounds emitted by an animal are irrelevant to its nature, for a bird is no less a bird because it is silent.

Counsel for the accused also argued that since there was evidence to show accused had ridden the animal, this pointed to the fact that it could not be a bird but was actually a pony. Obviously, this avoids the issue. The issue is not whether the animal was ridden or not, but whether it was shot or not, for to ride a pony or a bird is of no offense at all. I believe that counsel now sees his mistake.

Counsel contends that the iron shoes found on the animal decisively disqualify it from being a bird. I must inform counsel, however, that how an animal dresses is of no concern to this court.

Counsel relied on the decision in Re Chicadee, where he contends that in similar circumstances the accused was acquitted. However, this is a horse of a different color. A close reading of that case indicates that the animal in question there was not a small bird, but, in fact, a midget of a much larger species. Therefore, that case is inapplicable to our facts.

Counsel finally submits that the word "small" in the title Small Birds Act refers not to "Birds" but to "Act", making it The Small Act relating to Birds. With respect, counsel did not do his homework very well, for the Large Birds Act, R.S.O., 1960, c.725, is just as small. If pressed, I need only refer to the Small Loans Act, R.S.O., 1960, c.727, which is twice as large as the Large Birds Act.

It remains then to state my reason for judgement which, simply, is as follows: Different things may take on the same meaning for different purposes. For the purpose the the Small Birds Act, all two-legged, feather-covered animals are birds. This, of course, does not imply that only two-legged animals qualify, for the legislative intent is to make two legs merely the minimum requirement. The statute therefore contemplated multilegged animals with feathers as well. Counsel submits that having regard to the purpose of the statute only small animals "naturally covered" with feathers could have been contemplated. However, had this been the intention of the legislature, I am certain that the phrase "naturally covered" would have been expressly inserted just as "Long" was inserted in the Longshoreman's Act.

Therefore, a horse with feathers on its back must be deemed for the purposes of this Act to be a bird, and a fortiori, a pony with feathers on its back is a small bird.

Counsel posed the following rhetorical question: If the pillow had been removed prior to the shooting, would the animal still be a bird? To this let me answer rhetorically: Is a bird any less of a bird without its feathers?

Appeal allowed.

Reported by:
H. Pomerantz
S. Breslin
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