



FLOOD VICTIM IS MOVED

Unidentified rescuers remove body of victim of flood at Frejus, today, following collapse of the Malpasat dam in the French Riviera region. Hundreds were trapped by wall of water that plowed down Reynan River valley, leaving a four-mile-wide path of destruction. (AP Wirephoto)

Libel Ruling Contested By Toronto Newspaper

OTTAWA (CP)—The Toronto Globe and Mail Wednesday asked the Supreme Court of Canada to rule that a newspaper criticizing the platform and campaign tactics of a federal election candidate is not open to damages for libel unless the candidate proves malice.

The daily newspaper, contending that a federal election is an occasion of qualified privilege, asked the court to upset an Ontario appeal court judgment last January ordering a new trial for lawyer John Boland's suit against The Globe and Mail.

The present appeal is expected to end today. Globe counsel C. F. H. Carson, who began his argument Wednesday, is expected to conclude today and be followed by Mr. Boland, who has been arguing his own case through three years of litigation.

Mr. Boland, an independent Progressive Conservative candidate for Toronto Parkdale in the federal general election of June 10, 1957, alleged that a Globe and Mail editorial during the election campaign libeled him and caused a substantial reduction in the number of votes cast for him. He was defeated.

REPUTATION DAMAGE

Launching an action under the Libel and Slander Act of Ontario, Mr. Boland claimed for his lost \$200 deposit and for considerable damages as a result of injury to his reputation and character.

In Ontario Supreme Court, Mr. Justice W. F. Spence said that during a federal election in Canada a newspaper has a public duty to comment—even critically—on the candidates, their campaigns, platforms or policies.

He ruled that an election is an occasion of qualified privilege, which he explained this way:

"There are occasions upon which, on grounds of public policy and convenience, a person may, without incurring legal liability, make statements about another which are defamatory and in fact untrue.

HONESTY IS KEY

"On such occasions a man, stating what he believes to be the truth about another, is protected in so doing, provided he makes the statement honestly and without any indirect or improper motive.

"These occasions are called occasions of qualified privilege, for the protection which the law on grounds of public policy, affords is not absolute but depends on the honesty of purpose with which the defamatory statement is made."

Mr. Justice Spence ruled that The Globe and Mail editorial was published on such an occasion, and that Mr. Boland's case would succeed only if he could prove malice.

When Mr. Boland completed his case, the newspaper called no further evidence. Instead, Mr. Carson made a plea of qualified privilege and moved for non-suit. Judge Spence then took the case from the jury, finding that Mr. Boland had submitted no evidence of malice. He dismissed the action.

REVERSE DECISION

In Mr. Boland's subsequent and successful appeal to the Ontario court of appeals, Mr. Justice A. M. Lebel wrote the reasons for the court's decision to order a new trial and he disagreed with Mr. Justice Spence on several points.

In the first place, he said, to plead a defence of qualified privilege, the defendant must—in order to succeed—establish the facts on which that plea is based.

The privilege would be worth little, Judge Lebel said, if a person making a statement on such an occasion were required to prove that he honestly believed his statement to be true. In such a case "bona fides" is always presumed.

However, in a case of qualified privilege, this presumption was not irrebuttable as it is in a case of absolute privilege.

"MOST UNJUST"

Mr. Justice Lebel said it would be "most unjust" if the press—or an individual—were allowed the protection of a privilege when the evidence at the end of the plaintiff's case shows that the privilege may have been exceeded.

By this, he explained, he meant a situation where the publication "contains a material statement of fact that has not been proved, and further that there may be good reason to think that it was made without an honest belief in its truth, and hence maliciously."

He said this was the situation when Mr. Boland closed his case in trial court and The Globe and Mail moved for non-suit. He said that in his opinion, there was evidence of express malice which should have gone to the jury.

The case concerns a Globe and Mail editorial that appeared four days after Mr. Boland held a public meeting at which he described Pat Walsh, whom he described as a former undercover agent for the RCMP. Part of Mr. Boland's advertisement for the meeting said, "hear the truth about Communists at Ottawa."

CRITICIZE MOVE

The Globe and Mail, in an editorial entitled "shabby tactics," commented:

"One of the less creditable episodes of the election campaign occurred on Thursday evening in Parkdale constituency, Toronto, when John Boland, self-styled independent Conservative Candidate, introduced an issue which does not exist in this election. McCarthy-style, he put forward an ex-Communist in an attempt to show the Liberals are soft on Communism. The results were far from edifying.

"The reason for this disgusting performance was undoubtedly to mislead the so-called new Canadian vote in that riding. In the hope that their anti-Communist fears might be translated into an anti-Liberal, anti-Conservative

Lifetime Treasures HANDSOME GIFT CHESTS

She wants a Cedar Chest . . .

this is one article that a woman will not buy . . . but as a gift she will cherish it all her life . . . When selecting a cedar chest for her BE SURE IT IS SOLID CEDAR! C & S carry a wide variety of solid cedar chests . . . it will be easy to select a lovely one.

For Dad From The Family . . .

KROEHLER CHAIR

Give Dad a fine Relaxer Chair this Christmas . . . and when he is not home other members of the family can scramble for it . . . C & S have a grand variety now! Buy now deliver for Christmas.

RINGS for Christmas

- Diamonds
- Watches
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BURKE'S Jewellers

Across From Dominion Stores

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Divorce Cases Are Numerous

OTTAWA (CP)—The Senate will hear a record number of divorce applications at the next session of Parliament.

Senator A. W. Roebuck (I—Ontario), chairman of the Senate divorce committee, said Wednesday 550 applications have been received so far. It is expected an additional 100 applications will be received before the session opens Jan. 14.

A total of 353 applications were dealt with at the last session. Practically all of the applica-

tions are from Quebec province, particularly Montreal.

Quebec and Newfoundland are the only two provinces without their own divorce courts. Citizens of the two provinces must apply to Parliament if they wish to obtain a divorce.

The Quebec cases were said to be almost equally divided among people of the Jewish, Protestant and Catholic faiths.

Senator Roebuck said that at present Quebec has 6.4 divorces per 100,000 population and Newfoundland 1.6.

British Columbia has the highest rate with 97 per 100,000. Ontario has a rate of 46.7 and Prince Edward Island 1.0.

Masonic Crippled Children's Auction

CASH DONATED FROM MONTAGUE AND VICINITY

Rev. J. M. Fraser . . . \$ 3.00
Jack Annear 3.00
Howard Vickerson 3.00
John A. Macdonald, M.P. 15.00

GOODS DONATED FROM MONTAGUE AND VICINITY

1 box of fish, value \$12.00, Johnston and Carpenter.
Magazine rack, value \$5.00, Ladies Auxiliary, Canadian Legion.
10 doz. eggs, value \$4.00, Gordon Matheson.
Vegetables, value \$4.50, Hector Matheson.
Occasional chair, value \$15.95, Stewart and Beck.
1 case motor oil, value \$12.00, A. A. Fraser.
Masonry work, value \$30.00, John Denham.
Men's socks, value \$2.00, Mrs. Robert Mellich.

CASH DONATED FROM GASPEREAUX

Wendell Graham \$ 5.00
Grant Graham 5.00
Everett Dixon 2.00
Percy Hicken 2.00
Stanley Llewellyn 2.00
Glen Miller 2.00
Lloyd Reid 2.00
Harry Graham 2.00

GOODS DONATED FROM GASPEREAUX

1 Dacron man's shirt, value \$3.95, Harry Dunn.
1 gal. ESSO rad. value \$3.50, Laurie McHerron.
2 suits boy's underwear, value \$3.00, Andrew MacKenzie.
Vegetables, value \$3.00, Raymond Riley.
Roast beef, value \$5.00, Howard Reid.

OTHER DONATIONS NOT PREVIOUSLY ACKNOWLEDGED

1 electric clock, value \$7.95, Palmer Electric Co., Charlottetown.
1 set steak knives, value \$7.95, Michael Bros., Charlottetown.

We wish to thank all the people who assisted in making our auction the success it was. Not forgetting our auctioneers, Dr. L. Bonnell, Bob Glover, Lorne Wigginton, Gilbert Clements.

NIAGARA FINANCE CO. LTD.

in Charlottetown and Summerside

Will remain open through December on Friday nights until 8:00 p.m. and Saturday mornings until 12:00 a.m. for the convenience of their customers.

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The finest selection of ladies' wear in town. Call in today . . . you'll be glad you did!

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- Coats
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Lifetime Treasures HANDSOME GIFT CHESTS

RINGS for Christmas

- Diamonds
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Athletics, Bucs Make Swap

KANSAS CITY (AP)—Kansas City Athletics obtained a pitcher and a shortstop from Pittsburgh Pirates Wednesday in exchange for Hal Smith, catcher and third baseman. No money was involved in the deal.

The two who will join the Athletics are Richard Wallace Hall, 29-year-old pitcher who with Salt Lake last season was voted the Pacific Coast League's most valuable player and pitcher, and Kenneth Lee Hamlin, Battle Creek, Mich., who played with Columbus of the International League.

Smith had been with Kansas City three and one-half years coming from Baltimore. Last season in 107 games he hit .284.

OLD CUSTOM

The curfew bell centuries ago was rung about sunset as a warning to extinguish lights and fires, as a safety measure.

WALLPAPER PATTERNS

For a refreshing "change of scene" in your home, redecorate the easy way . . . with our distinctive new wallpapers. Come see our wide, wonderful array of attractive patterns that will add color and charm to any room, any decor . . . at modest cost.

NEW WALLPAPER PATTERNS



Moore & McLeod Ltd.

3rd Floor Home Furnishings

Gifts from PATTERSON'S are opened First

Patterson's Jewellers & Gift Specialists

Kent Street Charlottetown Near Queen

THE FINEST FOOTWEAR BUY ON P. E. I.

We honestly believe these items to be the finest footwear values on P.E.I. . . . quality items at low, low prices. Canadian made — of course.

HURRICANES

Brown all rubber strap overshoes with heavy pile lining and shearing cuff.

Child's, 6 thru to 3 . . . 3.49
Boys', 3 to 6 . . . 3.98
Men's, 6 to 12 . . . 4.98

LIGHT ZIPPER

The snooty maker won't let us use his name, but these slight imperfections normally sell for 5.50. Fully guaranteed.

Men's 6 - 12

\$3.99

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Home Gifts

Are The Best Gifts!

Lovely, Giftable BEDDING

Blankets by Ayers, all wool pastel colors, reversible, colors rose and blue, green and gold, aqua and blue, 1 inch satin binding Price Boxed \$17.50

All wool pastel blankets, plain colors, satin bound, rose, blue, green, gold and cedar Price Boxed \$12.95

Special Viscose and wool blend satin bound blankets, colors blue, green, rose. Price \$ 8.95

Flannelette Blankets, all sizes Priced from a pair \$ 4.95 to \$ 7.50

Satin Bed Puffs, reversible, colors wine and eggshell, blue and rose, green and gold Price each \$ 9.95

White Wool Blankets rainbow striped border \$13.50

scarlet with black stripes \$13.50

spruce green with black stripes \$14.95

A good assortment of Chinelle Bed Spreads, all shades in double bed size Prices ranging from \$ 5.95 to \$10.95

Bath Towels and Hand Towels, all sizes and colors Prices Pair \$ 1.29 to \$ 4.50

Pillow Cases in plain colored border or embroidery Prices Pair \$ 1.29 to \$ 3.95

Table Cloths in rayon damask, and lace—All sizes Prices \$ 3.95 to \$ 8.95

Chinelle Bed Sets—two piece and three piece—all shades set \$ 3.95 to \$ 5.50

LUGGAGE GIFTS

Packed with Fashion and Value!

Over-night cases, size 18" Priced \$11.95 to \$19.95

Weekend cases, size 21" Priced \$14.95 to \$22.00

Train cases, size 14" Priced \$11.95 to \$19.95

A large assortment of colors to choose from. Fibre: glass ladies cases—18" and 21"—Alaska Blue Priced \$29.95 to \$39.95

Men's Gladstone cases, colors brown and black Priced \$22.95 to \$59.00

Men's zipper club bags, color tan Price \$11.00

Give Any Room a Warm Glow

Reversible wool mats, size 25 x 48 inches each \$ 9.00

Reversible wool mats, size 30 x 60 inches each \$12.00

Cotton and Viscose mats, suitable for bedroom or bath room—all popular shades Priced from each \$ 1.98 to \$ 8.00

Axminster Rugs, size 6'4" x 9 ft. \$55.00 to \$60.00

Axminster Rugs, size 9' x 10 1/2 ft. \$79.00 to \$95.00

Axminster Rugs, size 9' x 12 ft. \$85.00 to \$110.00

Carpet Sweepers Priced from \$12.00 to \$15.75

We also carry a large range of Congoleum rugs, congleum by the yard, Rexoleum, Forecast and Inlaid Ionoleum. Also floor tiles in a large range of shades. Every item has been priced to give you real value for your money.

Frilly CURTAINS and DRAPES

Shower curtain sets, assorted shades— Per Set \$ 3.75 to \$ 5.50

Ruffled curtains for bed rooms. Priced from Per Pair \$ 2.98 to \$ 8.00

Tailored Curtains, for living room or dining room. Priced from \$ 2.98 to \$ 7.00

Plastic Christmas Table Covers, 1 1/2 yds. x 2 yds. each \$ 1.49

Plastic Christmas Table Covering, 54 inches wide Price per yard .45c

Plastic Drapes, assorted designs, 36 x 84 inches per pair \$ 1.98

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