

Appeal Court Upholds Careless Driving Law

Delayed Charges Possible

TORONTO (CP) — Ontario's careless driving law was upheld today by the Ontario Court of Appeal. A 3-to-2 decision quashed an Ontario Supreme Court judgment of last December 3 that the careless driving section of the provincial Highway Traffic Act infringed on federal rights.

1,400 Affected
The appeal was launched by the Attorney-General's Department after Chief Justice J. C. McRuer of the Supreme Court handed down a written judgment which found the careless driving law invalid.

Today's reversal of that decision apparently opens the way for prosecution of an estimated 1,400 careless driving charges which have been adjourned since Chief Justice McRuer's ruling.

The Chief Justice made the ruling in the case of David Ygles of Hamilton who was fined \$50 in Magistrate's court on a careless driving charge.

His judgment said the fact that Ygles was driving at 80 miles an hour did not, as the magistrate contended, automatically prove careless driving. And a second section of the judgment said the careless driving law was, as defence counsel Sidney Palkin had argued, invalid.

Upheld Yolles' Case
Today's judgment upheld the Chief Justice's finding that Yolles' speeding was not proof of careless driving. But it quashed that section which ruled the charge invalid.

W. C. Bowman, director of public prosecutions in the Attorney-General's Department said the appeal court decision would appear to be final.

"I cannot see how the case can be appealed further to the Supreme Court of Canada," he said. "The appeal court has quashed the conviction of Mr. Yolles and no grounds are left for further appeal."

Chief Justice Dana Porter wrote the majority decision with Mr. Justice A. M. Lebel and Mr. Justice C. W. G. Gibson supporting it.

A dissenting report was written by Mr. Justice Wilfred D. Roach. He was supported by Mr. Justice W. J. Schroeder.

Agree On Case
All five judges agreed that Mr. Yolles' conviction should be quashed. They ruled driving at 80 miles an hour did not automatically prove careless driving.

Chief Justice Porter said in his ruling on the validity of the careless driving law:

"I am of the opinion that this section is highway legislation. It is confined to the manner of the use of motor vehicles on highways. It is part of a system of regulation of highway traffic... concerned with matters of a local nature within the province."

He said the main purpose "is to prevent the improper use of highways and to minimize the possibility of accidents."

Mr. Justice Lebel wrote a separate supporting decision which agreed with the Chief Justice's findings.

Mr. Justice Roach, however, said in his report that the careless driving legislation "is clearly criminal law."

THE OTTAWA CITIZEN

116th Year, Number 221

OTTAWA, CANADA, WEDNESDAY, MARCH 18, 1959

44 Pages, Price 5 Cents

BLUE STREAK final

MACMILLAN, DIEFENBAKER CONFER

Draft Berlin Proposals

Compromise Solution Aim

By Charles Lynch

Southern News Services

Canadian-British talks on the Berlin crisis opened here this morning, and the emphasis was expected to be on possible compromise solutions that might be acceptable both to Russia and to the west, and particularly the United States.

Out of the talks, officials hoped, would come a concrete proposal that British Prime Minister Harold Macmillan would be able to take to Washington tomorrow morning for submission to President Eisenhower. Mr. Macmillan flew to Ottawa from London overnight, arriving here at 7.20 a.m. He met with the Prime Minister at 10 a.m.

Canadian thinking on the Berlin question almost exactly parallels that of the United Kingdom. If anything, it is more inclined toward seeking a compromise solution.

However, this line of Canadian thinking may have lost its principal exponent in the death yesterday of External Affairs Minister Sidney Smith.

Smith Missed At Table

The lack of his presence at the conference table today, and his replacement by Works Minister Howard Green, may take some of the flexibility out of the Canadian position. Mr. Smith was a constant advocate of avoiding the "hard" line toward the Russians, and he had influenced the thinking of Prime Minister Diefenbaker in this matter. Mr. Green, although he has seldom expressed himself on external affairs questions, tends to be inflexible and has a deep distrust of Soviet motives and methods.

Mr. Smith's death may also cause a diminution in Canada's interest in the plan put forward by Polish Foreign Minister Adam Ripacki for a pulling back of troops in Central Europe, and creation there of a zone free of atomic and nuclear weapons.

Had Mr. Smith attended today's talks with Mr. Macmillan and Foreign Secretary Selwyn Lloyd, it was expected that he would press for exploration of a role for the United Nations in the Berlin crisis.

The opening talks were held in the Parliamentary office of Prime Minister Diefenbaker. The United Kingdom High Commissioner, Sir Saville Garner, sat in with Mr. Diefenbaker, Mr. Macmillan, Mr. Selwyn Lloyd and Mr. Green.

Entire Cabinet Included

At noon, the talks were broadened to include the entire Diefenbaker cabinet — and after lunch at the Prime Minister's residence, Mr. Diefenbaker and Mr. Macmillan resumed their conversation.

Mr. Macmillan, emerging in jovial mood from the noon meeting proved that he has no time for the niceties of diplomatic language.

A reporter asked if he had given the cabinet a "tour d'horizon" on the Berlin situation.

"That's a very good word," he chuckled, "but I don't know what it means."

Mr. Macmillan and his party arrived at Uplands Airport in dazzling sunshine this morning aboard a gleaming BOAC Comet IV jetliner.

House Adjourns For Smith Rites

The House of Commons will adjourn after today's sitting until 8 o'clock tomorrow night. Decision to eliminate Thursday's afternoon sitting was made out of respect to the memory of the late Sidney Smith, External Affairs Minister who died yesterday.

A State Funeral for Mr. Smith will be held from Chalmers United Church at 4 p.m. tomorrow. Burial will be in the Mortimeres.

See Also Pages 20, 21

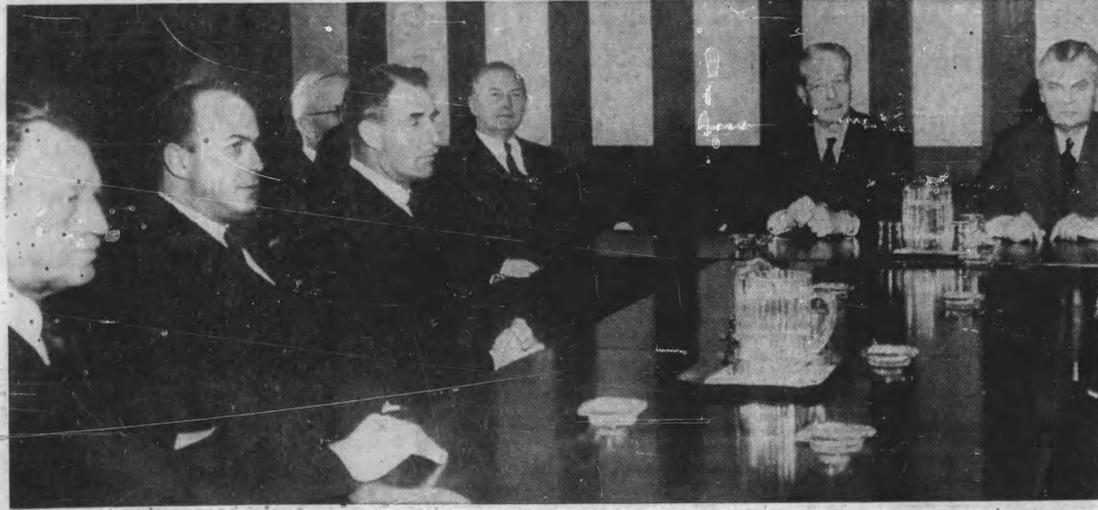
Meanwhile, Prime Minister Diefenbaker is likely to delay naming a successor to Mr. Smith for several weeks—if not longer. The prime minister is expected to continue acting as secretary of state for external affairs until an appointment is made.

Justice Minister Fulton is tops in speculation for the job though considerable talk is heard in favor of Commons Speaker Roland Michener.

Some attached significance to the fact that Hon. Howard Green, Conservative house leader, substituted for Mr. Smith at the talks with Prime Minister Macmillan today. Mr. Green is not known to have had any ambitions

Luton Wins

BIRMINGHAM, England, (Reuters) — Luton Town beat Norwich City 1-0 today to advance into the Football Association Cup final May 2 against Nottingham Forest.



MACMILLAN SITS IN WITH CANADIAN CABINET

British leaders sat down with the Canadian Cabinet in the Prime Minister's office this morning during a round of talks on the Berlin crisis. Left to right are: George Nowlan, Minister of National Revenue; Leon Balcer, Solicitor General; George Hees, Minister of Transport; George Pearkes (behind Mr. Hees) Minister of National Defence; Selwyn Lloyd, British Foreign Secretary; Prime Minister Harold Macmillan of Great Britain; and Prime Minister John Diefenbaker.

—Photo by Newton

CKOY Defends Rock 'n' Roll

By J. A. Hume

Citizen Staff Writer

Gordon Henderson, counsel for radio station CKOY today told the Broadcast Board of Governors that CKOY, featuring recorded, popular music and news broadcasts is providing the Ottawa listening public with the type of program it likes.

CKOY, he said, offers its station as a forum for open discussions on many issues of local interest. These have included panels on OTC, fluoridation, legal problems in relation to laymen, accountants on filing income tax, and similar questions.

A. B. Lawrence, BBG counsel, questioned Mr. Henderson closely on CKOY program policies as to so much recorded music.

Mr. Henderson replied: "The public, after all, will make the final determination as to what programs it wants."

Mr. Henderson argued that with all the radio stations there are in the Ottawa metropolitan area, and also other programs coming in from United States stations, all the segments of the listening public are being serviced.

Mr. Lawrence: "Would it not be possible that apart from CBC stations in Ottawa, listeners might be hearing the same old-milk songs in the same old-milk stations?"

Duncan K. MacTavish, CKOY director, laughingly replied: "Well, that might be true, but certainly I have a great deal of confidence in the taste of the majority of people."

Mr. Lawrence questioned whether both CKOY and CKFY in Toronto were not carrying on high-profit broadcasting, skimming off the cream, and leaving the CBC to carry the load of more variety, middle and upper broadcasting.

Mr. Henderson replied that "if necessary CKOY can carry part of the burden, but it can only do so far because private stations, to stay in business, must show a profit."

Examination of Mr. Henderson and other CKOY officials was concluded at 3.15 p.m. when the board reserved its decision on a five-year renewal of CKOY's station license.

Earlier, Mr. Cooke defended his station's heavy use of recorded music saying it meets a popular demand and is "emphatically and categorically cheaper."

If listeners did not happen to like the basic fare of his station—recordings, news and sports—they could get what they wished by "simply pushing a button."

The number of stations available to Toronto-area listeners provided program variety.

Programming, should not be made rigid, he said, and he would not change his station's present format unless the board insisted.

He suggested under questioning that the BBG and broadcasters set up a committee similar to one in the United States to explore the question of programming standards.

In a brief to the board, Mr. Cooke said the last 10 years have shown that the present and future success of the radio broadcasting industry depends upon the presentation of recorded music by so-called independent stations.

Mr. Cooke, who did not agree with some of the survey figures quoted, said that in community interest programming his station had done more in one year than the CBC in 15 years or any other station in Canada.

(See "Radio," Page 7, Col. 2)

Six-Hour Fire Causes \$250,000 Loss To Bank

Nfld. Base Of IWA Wrecked

GRAND FALLS, Nfld. (CP) — An unidentified group of men wrecked the International Workers of America (IWA) office at nearby Bishop's Falls early today in the latest incident in an IWA strike against the Anglo-Newfoundland Development Company.

The intruders chopped out the windows in the one-storey wooden office building, hacked at the outer walls, and splintered the front door. A typewriter in the office was smashed by an axe.

The IWA office was first moved to nearby Badger after the windows of the office here were smashed by a crowd escorting the body of constable William Moss, who was killed in a fight between police and loggers to a train last Thursday. The office was moved to Bishop's Falls Tuesday.

The new violence shattered an uneasy calm. The IWA men said they received several anonymous threatening telephone calls Tuesday night. They were set to guard the office but fled when they realized they were outnumbered.

Albert's Meat Market on William Street, although also protected by a fire wall, suffered considerable damage to stock in the basement as more than a foot of water poured into that area.

The second and third floors of the ruined building had been occupied by L'Institut Canadien-français d'Ottawa who vacated three years ago. It has been empty since.

Renovation of the upper floors was to have been completed by May 1. Officials from the head office of the Bank of Nova Scotia in Toronto are flying to Ottawa early today to investigate.

Albert's Meat Market on William Street, although also protected by a fire wall, suffered considerable damage to stock in the basement as more than a foot of water poured into that area.

The second and third floors of the ruined building had been occupied by L'Institut Canadien-français d'Ottawa who vacated three years ago. It has been empty since.

Renovation of the upper floors was to have been completed by May 1. Officials from the head office of the Bank of Nova Scotia in Toronto are flying to Ottawa early today to investigate.

Albert's Meat Market on William Street, although also protected by a fire wall, suffered considerable damage to stock in the basement as more than a foot of water poured into that area.

The second and third floors of the ruined building had been occupied by L'Institut Canadien-français d'Ottawa who vacated three years ago. It has been empty since.

Renovation of the upper floors was to have been completed by May 1. Officials from the head office of the Bank of Nova Scotia in Toronto are flying to Ottawa early today to investigate.

Albert's Meat Market on William Street, although also protected by a fire wall, suffered considerable damage to stock in the basement as more than a foot of water poured into that area.

The second and third floors of the ruined building had been occupied by L'Institut Canadien-français d'Ottawa who vacated three years ago. It has been empty since.

Renovation of the upper floors was to have been completed by May 1. Officials from the head office of the Bank of Nova Scotia in Toronto are flying to Ottawa early today to investigate.

Albert's Meat Market on William Street, although also protected by a fire wall, suffered considerable damage to stock in the basement as more than a foot of water poured into that area.

Roof, Third Floor Collapse

There was no actual damage to the interior of the bank, although the roof and third floor of the building collapsed during the fire. Six feet of water in the basement was pumped out during the day.

Mr. Voyles said it was too early to say when regular service would be resumed at the branch. Bank officials said the branch had been in the lower town area longer than any other bank, although they didn't know exactly how long.

The alarm was turned in at 8.23 p.m. by caretaker Wilfrid Lewis, 56 LeBreton Street, who saw smoke pouring from the second floor.

The blaze is believed to have started on the second floor. Only recently the bank had begun converting the second and third floors into offices.

Chief Inspector Phil Larkin of the Fire Prevention Bureau said workmen doing the renovations would be questioned today.

Fireman Ray Callahan was rushed to General Hospital and treated for smoke poisoning. He was released after treatment.

At the height of the blaze, flames seemed to endanger the spacious C. Caplan Limited department store immediately next door. However, a solid fire wall divided the buildings and firemen's efforts helped contain the flames.

OTC and motor traffic was blocked for some six hours as Rideau Street was turned into an icy nightmare of fire hoses and apparatus.

The tons of water poured on the building quickly turned to slush and ice in the below-freezing temperatures.

Building 75 Years Old

The roof of the 75-year-old building gave way first and was soon followed by the third floor. The center of the second level also collapsed in the vicinity where the fire is believed to have started.

The bank premises on the main floor renovated seven years ago, at a cost of some \$150,000, although not damaged by fire suffered a terrific pounding from the tons of water which cascaded down from above.

Ottawa police guarded the bank entrances during the fire. The Salvation Army was on hand to provide coffee for some 40 firemen and a dozen police.

Gordon Caplan, vice-president of the department store, opened his doors to firefighters to let them warm themselves. He said only damage to his store was a slight seepage of water into the basement.

Albert's Meat Market on William Street, although also protected by a fire wall, suffered considerable damage to stock in the basement as more than a foot of water poured into that area.

The second and third floors of the ruined building had been occupied by L'Institut Canadien-français d'Ottawa who vacated three years ago. It has been empty since.

Renovation of the upper floors was to have been completed by May 1. Officials from the head office of the Bank of Nova Scotia in Toronto are flying to Ottawa early today to investigate.

Albert's Meat Market on William Street, although also protected by a fire wall, suffered considerable damage to stock in the basement as more than a foot of water poured into that area.

The second and third floors of the ruined building had been occupied by L'Institut Canadien-français d'Ottawa who vacated three years ago. It has been empty since.

Renovation of the upper floors was to have been completed by May 1. Officials from the head office of the Bank of Nova Scotia in Toronto are flying to Ottawa early today to investigate.

FEATURES INSIDE TODAY

Ask Andy	27	Home Page	22
Astrology	31	Mirror Of Your Mind	41
Blackburn	21	Movie Reviews	29
Bridge	32	My Answer	42
Children's Corner	42	On Thinking It Over	3
Comics	32-33	Obituaries	41
Cross Town	2	One Man's Opinion	6
Crossword	31	Radio Programs	33
Dear Abby	31	Rural Chatter	43
Editorials	6	Sports	10, 13-16
Entertainment	29	Television Programs	32
Financial	8	Want Ads	34-41
Lentea Guideposts	13	Women's Pages	22-26



SIGN POST OF SPRING?

In case anyone is in doubt that Winter is still with us, a glance at this ice-coated street sign standard at Rideau and William should provide an answer. The photo was taken this morning following last night's \$250,000 fire in the Bank of Nova Scotia's branch at that busy corner. The ice was formed by spray from fire hoses in the near-zero cold. (See picture on Page 28).

—Photo by Newton