



### Spooky tales for bears and clowns

Jennifer Garcia, 4, and Cameron Vipond, 4, listen to a spooky Hallowe'en tale, Three Scary Ghosts, at the Midland Small Set Nursery School Friday. That morning, the children heard many stories and learned Hallowe'en songs at their party.

Soon after the party ended, the action really began: the candy was handed out. All the children dressed up, and, along with these two, there were devils, fairies and the like.

### No proof of harm was defense

Midland lawyers Gord Teskey, Ross Heacock and Rod Ferguson felt that they were libelled by an advertisement in a May, 1983, issue of the Midland Free Press. Accordingly, they sued for libel both the author of the ad, Bill Ogilvie, and the newspaper which published it.

Sheila Block, of the Toronto law firm of Tory, Tory, Deslauriers and Binnington, in her closing argument to a Supreme Court of Ontario jury last Wednesday, said that the complainants were unable to produce evidence that their law firm had lost, or failed to attract clients, because of the ad. The lawyers were not asking for a sum of money as damages, she said.

Senior partner Gord Teskey's evidence was that the reputation of himself and his partners was not affected among the people who know him, and with whom he associates, professionally, politically, socially, or otherwise. Teskey's testimony was that the damage to the law firm's reputation was among working people who accept everything that they read in the newspaper, Block said.

The complainants' lawyer, in his opening address, told the jury that witnesses who could say they did not use the law firm because of the ad had been subpoenaed. No one of that description was called to testify, however, Block said.

According to testimony, the law firm's billings totalled \$650,000 for the year ending February, 1983; \$760,000 12 months later; and \$887,000 24 months later. Block called the trend "enviable growth".

Testimony indicated that the lawyers are held in high esteem by their client, Tiny Township, which they have been accused of betraying, according to testimony by Tiny Township Deputy-Reeve Peter Brasher and Clerk

Guy Maurice. Free Press publisher Omer Fontaine described the lawyers as "good corporate citizens", the Free Press lawyer told the jury.

The defence explanation of the circumstance of the acceptance of the ad was that it arrived in the hands of Free Press advertising manager Bill Wilson late on the day of May 2, 1983. Wilson lived in Wasaga Beach. He did not read the Free Press coverage of Midland and area politics. His impression of Ogilvie was of a decent, honest citizen. He read enough of the writing Ogilvie presented as an advertisement to conclude it was an expression of Ogilvie's opinion.

Wilson started at the Free Press in July, 1980.

Mark Bourrie, at the time a Free Press reporter, testified that Ogilvie took care to avoid libel and wrote in a "funny legalese".

Bourrie testified that he saw the ad in the newspaper's composing room, before it was printed, on May 4, 1983. He asked someone in authority if the ad had been checked, calling it "pretty rough stuff". He was told that the ad had not been checked but that it would run anyway. Bourrie was unable to recall to whom he spoke, beyond that it was a person in authority.

Block told the jury that the publisher was away when the ad was accepted. Managing editor Craig Elson read enough of the ad to make the suggestion that the label Advertisement be attached to it. Elson had no authority in the matter of advertising, just as Wilson had no authority in the matter of news, Block said.

In a subsequent apology published in the Free Press, a line stating that the newspaper found no evidence that Teskey, Heacock, and Ferguson lied to Tiny Township, was dropped at the lawyers' request, Block said.

A later letter to the editor published in the Free Press, written by Anthony Lancia, a co-creator of the Tiny Township Ratepayers' Association, covered some of the same ground as the Ogilvie ad. A libel notice can "put a chill on a newspaper," Bourrie testified, Block said. Bourrie said that a libel action can be used as a cudgel.

Teskey, Heacock, and Ferguson included Free Press coverage of a Tiny Township council meeting, and an ad from Ogilvie asking for witnesses to help him in his defence, as well as the ad, and the following apology, in their libel suit.

The news story was proper coverage by the Free Press trying to do the best it could do at its job, Block said.

Of the ad, Block said Ogilvie had a right to defend himself, and that the ad was neutral.

### Board session

Dr. Elliott Barker will be guest speaker at the annual meeting of the board for the North Simcoe Catholic Family Life Centre, Nov. 10, at 7 p.m. at St. Margaret's Catholic Church, Midland.

A special invitation is extended to everyone interested in early childhood development.

Dr. Barker is an eminent psychiatrist, president of the Canadian Society for the Prevention of Cruelty to Children, and editor of a quarterly journal, Empathic Parenting. He has frequently been an expert witness in courts in Ontario, and has been a guest lecturer in many countries on the subject of the violent mentally ill patient.

Information detailing the activities and services of the Centre will also be available.

For more information contact the North Simcoe Catholic Family Life Centre (526-9397).

## Penetang police answer 29 calls

Penetanguishene Police Chief Bob Cummings says the force had busy nights this weekend.

Friday night, a 17-year-old male was charged with consuming alcohol under age. He'll appear in Provincial court later this month.

Police arrested a Midland man at the Brule

Hotel Friday night. He was charged with refusing to leave the premises, assaulting the police, and resisting arrest. As well, the man had breached his mandatory supervision. He was to appear in Provincial court in Barrie yesterday for a bail hearing.

Police have charged a

Penetanguishene woman with possession of marijuana following an investigation Saturday night.

As well, Saturday night two area youths have been summoned to appear in court for consumption of alcohol underage, and an adult has been charged with supplying liquor to

minors as a result of the police investigation.

In total, Penetanguishene police responded to 29 calls over the weekend. The police chief says his men caught eight Highway Traffic Act offenders, four under the liquor licence act, and two trespassers.

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Up To **\$10000** Rebate



## Once In A Lifetime

**\$2.00 per square yard rebate direct from manufacturer**

(Min. 12 sq. yds. Max. 50 sq. yds.)

**Offer Ends Nov. 15, 1986**

**\$100.00 Rebate Offer on Lifetime Inlaid Flooring and Celebrity**

## THERRIEN'S

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**Hwy. 93 at Yonge St., Midland**  
**526-7833**

Tuesday, November 4, 1986. P