

Jury given justice's view of conflict of interest

In his charge to the jury last Friday at the conclusion of the trial for libel of Bill Ogilvie and the Midland Free Press, Mr. Justice John James Fitzpatrick gave an explanation of why Ross Heacock had a conflict of interest.

Heacock, one of the three Midland lawyers who successfully sued Ogilvie and the newspaper, was, in May, 1983, president of the Midland Chamber of Commerce. The Chamber voted to support the town council's annexation of a

lucrative portion of neighbour Tiny Township. Heacock did not vote, announcing he had a conflict of interest.

Heacock's conflict was that he was a partner in a law firm which was employed by the township, the Supreme Court of Ontario justice said. As a member of the Chamber of Commerce, Heacock had a duty to vote in the best interest of the Chamber. As a member of a law firm which did work for the township, he had an in-

terest in seeing the township prosper. Midland annexation of the township's highway commercial strip would result in the diminishment of the township. The possibility that his client might become less well-to-do might affect his vote, because his greater interest would be to vote against annexation support, although president of the Chamber.

Gord Teskey called Ogilvie a crackpot as long ago as 1976, and ill will ex-

isted since. A plethora of evidence was given that Ogilvie not only bore, but poured forth ill will toward Gord Teskey, Ross Heacock, and Rod Ferguson, Mr. Justice Fitzpatrick said.

Turning to the Midland Free Press' role, Mr. Justice Fitzpatrick said the ad manager, managing editor, and publisher knew that the newspaper was as liable for a libelous advertisement as for a libelous news story. Editor Elson glanced at the ad long enough to suggest that it be labelled as an ad, to prevent readers from thinking it was part of the news. Elson did not recognize libel, or check for libel, because ads were not his area of responsibility, Mr. Justice Fitzpatrick said.

"Does it seem strange to you that someone who would see enough to see that the reader might make

a mistake, would not read further to see if the ad was defamation?" the justice asked the jury.

Elson wrote two "scathing editorials" about Ogilvie in the late 1970s. Elson was away from the Free Press for several years. Did he forget about Ogilvie while he was away? the justice asked.

He reminded the jury of the testimony of Mark Bourrie, a reporter at the time in question at the Free Press. Bourrie testified that he said to someone in authority when he saw the ad before publication, "This is pretty rough stuff. Has it been checked?" One of ad manager Bill Wilson, Elson, or Fontaine was there. Bourrie could not remember to whom he spoke. Each man denied Bourrie spoke to him. Bourrie could be mistaken, but he had no reason to be untruthful. The others had

an interest in denial, Mr. Justice Fitzpatrick said.

He added that Bourrie was a young reporter at the time, and he might be mistaken.

The Ogilvie ad was untypical, even for Ogilvie, the justice said. At least some of the Free Press staff were aware of Ogilvie's "propensity for making unwarranted and un-

ported allegations of wrongdoing".

Mr. Justice Fitzpatrick referred to a call by Elson in a Free Press editorial on July of 1977, asking Ogilvie to resign from the town council. "How sad and pathetic that it should end like this," Elson wrote in part. "How wrong that was," Mr. Justice Fitzpatrick said to the jury.

Repairs to begin

Demolition of the partially charred Port McNicoll Tavern is to begin today.

According to Port McNicoll Clerk Ted Walker, Village officials were notified by the owners that the contractor responsible for tearing down the remains of the hotel, that was gutted by fire in April of this year, were to block off the building yesterday and are

expected to begin work today.

It has taken Port McNicoll council since early May to get action on having the building, which is both an eyesore and a safety hazard, demolished.

Walker said the top floor of the hotel will be removed first and then, depending on the insurance, the rest will also be demolished.



Ten years later

Ruth Lawrence (surgery) receives a corsage from fellow Huronia District Hospital employee Arlene Staruck (special projects), last week. Each of the

155 employees who started to work in the hospital when it opened 10 years ago received a carnation boutonniere or a corsage.

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