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Supreme court hearing arguments on government anti-picket injunction

Strike action held pending a decision

By JIM PEACOCK
Canadian Press Staff Writer

VANCOUVER (CP)—The British Columbia Supreme Court today is hearing argument concerning an injunction forbidding civil servants from picketing government property.

On the outcome of the hearing may hinge a renewal of an unprecedented four-hour strike of government employees which erupted across the province last Friday in another civil service attempt to obtain collective bargaining rights.

The government obtained an injunction last Friday morning, less than four hours after members of the B.C. Government Employees Association, representing some 11,000 civil servants, were called off their jobs to back a demand that the Carrothers report be made public. The report deals with civil servants' bargaining rights.

The strike last Friday affected activities of many thousands of B.C. residents across the province, left the legislative buildings silent, toll bridges without personnel to collect the tolls, and ferries tied up along with most other provincial services.

The issue is whether or not the association is to get trade-union status.

In 1957 the association threatened to strike over that question and this was halted with appointment of Professor A. W. Carrothers of the University of B.C. to study civil servants' matters, especially collective bargaining rights. His report has been in government hands for several weeks.

Attorney-General Robert Bonner, who first told reporters February 19 that the government had the report, said during the weekend that the government has been too busy with the current legislature session—expected to end this week—to give the [illegible] study.

The issue now has come down to whether civil servants should be brought under the provisions of the Labor Relations Act which governs trade unions.

At present, the association speaks on behalf of government employees in negotiations with the civil service commission but cannot sign a collective contract. There are provisions for elaborate procedure for settling grievances, including employees' rights to petition the cabinet.

Mr. Bonner has said there is no legislation which forbids or permits civil servants to strike, but the matter comes down to one of whether a strike would interfere with performance of statutory duties. Practically all duties of government employees are concerned with carrying out provisions of statutes.

This has been interpreted as a hint that the government may follow up on legality of interruption of statutory duties as another avenue of averting a tie-up of government services through a strike.

Another resource in government hands tied in the board emergency powers of the Civil Defence Act which have been invoked before by the Social Credit government.

CANADIAN SINGER — Patti Lewis, who is rated as one of the finest vocalists by American arranger-conductor Marty Paich, is attempting to re-establish herself in Canada after success in England where seven of her 22 recordings became hits.

DREAMY PALS — Two sleepyheads, little Terry Hopkins and his puppy, Snowball, wake up together and blink at the camera in Memphis, Tenn. Snowball likes to sleep on her owner's back, but can only do it when Terry takes his nap on the sofa.

Sydney Smith dies

OTTAWA (CP) — Prime Minister Diefenbaker today announced to the Commons the sudden death of external affairs minister 62-year-old Sydney Smith.

He made the announcement in a choking voice some 40 minutes after the Commons began today's sittings. The Commons adjourned immediately until Wednesday, as a mark of respect to Mr. Smith.

Mr. Diefenbaker said no words could express the feelings he had in announcing the tragic loss of a man who was long a personal friend. Mr. Smith had been external affairs minister since September 13, 1957. He entered the Commons two months later in a byelection in Hastings-Frontenac.

Unconfirmed reports said Mr. Smith died in his Ottawa apartment. These reports also said he succumbed to a heart attack.

Mr. Smith had flown to Ottawa from Halifax Tuesday morning after addressing a meeting of the Board of Trade.

He was president of the University of Toronto before his appointment to the cabinet.

Opposition leader Lester Pearson said in Ottawa today that he feels exactly as Mr. Diefenbaker and stated that he was unable to express what he felt in his heart.

CCF house leader Hazen Argue said the death of Mr. Smith was a tragic loss to the government, to parliament and to Canada.

Arrangements for the funeral have not been completed.

Expelled student kills rival in school hallway

EDMONTON (CP)—A youth expelled from Ross Sheppard High School for poor marks has been charged with murder in the shooting of a 16-year-old student at the school.

Five girls were wounded in the melee as bullets flew about the corridor of the huge modern school which has an enrolment of 1,400. One was Diane Kane, 16, the girl friend of Howard Gates, the boy killed.

The Kane girl last week stopped dating Stan Williamson, 19, the youth charged. Police said jealousy appeared to be the motive in the shooting.

Gates and Miss Kane were leaving the school building when the youth who did the shooting drove up in a car. He left the car and shot once at them with a .22-calibre pump-action rifle.

Police said Gates and the girl ran back into the corridor. As Gates turned around, he was shot in the chest.

Meanwhile, the youth with the rifle tripped in the doorway, fell to the floor and kept on shooting. Bullets ricocheted about the hall, lined with 200 metal lockers, as students flattened against the wall or fell to the floor to avoid the gunfire.

Finally, three youths leaped on the assailant and disarmed him. One was shot through the coat in doing so.

Miss Kane, struck in the eye by either a bullet or a piece of glass, underwent surgery at 9 p.m. Monday night in an attempt to save the eye.

Released from hospital after treatment were Judy Poulton, 18, Lynne Tomlinson, 16, and Kay Powers and Eleanor Mrochuk, both 17. One lost a finger and the others were grazed about the legs by bullets.

Police said the youth apparently directed most of his shots at Gates.

Williamson had borrowed a .22-calibre rifle from a friend last week, police said. He also told Gates to stay away from Miss Kane, they said.

An officer described Williamson as "a mixed-up kid."

The fathers of both Gates and Williamson were ill with heart trouble, police said.

Mother-in-law convicted of murder

By JACK LEFLER

VENTURA, Calif. (AP)—A jury that convicted Mrs. Elizabeth Duncan of buying the murder of her daughter-in-law returns today to decide the punishment.

It has two alternatives—death in the gas chamber, or life imprisonment. But Mrs. Duncan still has a plea of innocent by reason of insanity to be settled before any sentence can take effect.

The 54-year-old defendant, smiling and optimistic when the jury announced its verdict Monday, took the first degree murder conviction calmly at first.

However, in her jail cell her composure cracked. She sobbed repeatedly to her son Frank and lawyer, S. Ward Sullivan:

"I can't understand how the jury could do that to me, because I didn't do it."

Frank said nothing. His pregnant bride, Olga, was born near Dauphin, Man., and came here from Vancouver.

The prosecution charged that Mrs. Duncan, fiercely jealous of her daughter-in-law, offered $6,000 to Augustine Baldonado, 26, and Luis Moya, 20, to get rid of Olga.

Defence lawyer Sullivan said it may take two days before the question of penalty is given to the jury to decide. The prosecution will present testimony to support its demand for the death penalty and the defence will offer evidence in an effort to get Mrs. Duncan off with a life sentence.

When the penalty is determined, Mrs. Duncan's plea of innocent by reason of insanity will be taken up. Among witnesses the defence will call will be Mrs. Duncan's sister, Mrs. Helen Morris of Los Angeles.

Mrs. Morris said Monday she would testify she believes her sister insane.

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City man has horse in Irish

A Prince Rupert man is one of 237 Canadians who drew horses in the Irish hospitals sweepstakes in Dublin Monday, according to a Canadian Press dispatch.

He is Gus Mucibabch, manager of the Old Empress Hotel beer parlor, who was unaware of his good fortune until he was informed this morning by Daily News reporter Charles E. Giordano.

The 50-year-old [illegible] was awakened from sleep at 10 o'clock this morning to be told the good news.

His ticket number which is P44306 corresponds to that of the Canadian Press report.

Name of the horse that could win Mr. Mucibabch a possible $144,000 first prize is "Gold Legend".

Should the horse stumble at the start or not even win any of the prizes it is believed that Mr. Mucibabch will still get more than $1,000.

Quite dazed and surprised after being told, Mr. Mucibabch said, "I can't believe it".

"If I'm lucky enough to win the $144,000 I am going to take a long trip and then spend the rest of my money right here in Prince Rupert", the bar manager said.

Mr. Mucibabch came to Prince Rupert from Edmonton about 18 years ago. He has no relatives in Canada.

The sweep is based on the Grand National Steeplechase to be run over England's Aintree turf course Saturday.

OPPORTUNIST

DENVER (AP)—A 52-year-old political newcomer waited until today, St. Patrick's Day, to announce his candidacy for city council in the May 19 election. His name? Patrick McGee.

Prince Rupert has now gone 61 days without a fatal traffic accident.

Floods, slides controlled by tonight

Road crews from Prince Rupert highway department worked around the clock Tuesday to control a 12-inch flood in the Prudhomme Lake area.

Troublesome slides in the summit areas near Tyee also required immediate action to keep Highway 16 open, as 5.11 inches of rainfall fell in the district during the past 72 hours.

V. E. Morrison of the highway department said today the flood at Prudhomme Lake began to recede Monday night and is now down to four or five inches. When he left the scene early this morning flood waters had receded to about eight inches.

He said all bad spots on Highway 16 would be marked by tonight but the road is in very rough condition.

Canadian National Railway officials reported today that trains were running on schedule and no trouble had been experienced on the line between Prince Rupert and Terrace.

Navigation light out

The Teenakun Point light, L.L. 2412, at the entrance to Skidegate Channel is not burning but will be attended to at the first opportunity, N. A. Bektov, District Marine Agent reported today.

Terrace's Yeo rink in finals tonight

The undefeated Wally Yeo rink of Terrace came back again this morning to down the Harold Chisholm crew of Kitimat 8-2 as the eighth annual Marine Bonspiel draws nearer the finals.

In the bottom half of B Event Hidber of Smithers and Myers of late this afternoon for the chance to meet Yeo in the finals which are slated for about 9 o'clock tonight.

At the same time in A Event the Jack Mitchell squad was playing the Yeo string of which the winner is to play the winner of the Bill McLean-Peter Bell match in the finals tonight.

The Bell, McLean and Mitchell rinks are from Prince Rupert.

In C Event the Ed Garner rink of Prince Rupert was scheduled to play the Bert Rowbotham crew at 3:30 this afternoon and the winner will meet the Vern Meyer quartet of Terrace in the finals late this afternoon or early this evening.

Meyers defeated the Dick Heggie rink of Smithers 5-2 this morning.

Garner, also in D Event met the Len Evans of Smithers this afternoon. The winner will play the winner of the Neal McKerracher-Ray Billing match.

E Event has not quite completed the 16's but two have already moved into the fours. The Jack Lindsay squad of Prince Rupert downed the local Sandy Newton rink 9-8 to enter the fours.

Lindsay will play the winner of the Al Humphreys-Scott McLaren game for the opportunity of moving into the finals.

Chuck Whatman of Prince Rupert this morning knocked the Rusty Ford rink out of E Event with a score of 8-6. Whatman is also now in the fours.

Due to confusion in the draw room, results of games played between 11:15 last night and noon today are incomplete.

However the following results have been obtained.

C EVENT

Garner (PR) 8, Warren (PR) 4. Gordon (PR) 6, Heggie (S) 7; Heggie (S) 2, Myer (T) 5.

D EVENT

McKerracher (T) 8, Berg (PR) 5; Paul (PR) 9, Evans (S) 10; Meyer (T) 2, Garner (PR) 4; Field (PR) 6, Billings (PR) 10.

E EVENT

Little (T) 4, Birchall (PR) 10; McLaren (PR) 5, Bremner (PR) 0; Robertson (PR) 12, Rogerson (PR) 8; Pallister (PR) 5, Kerr (PR) 8; Shier (PR) 11, Cooper (PR) 7; V. MacDonald (K) 9, Rudderham (PR) 10; Lemire (PR) 10, Birchall (PR) 5; Kerr (PR) 8, Shier (PR) 3; Humpherys (P)R 9, Gladding (PR) 8; McLaren (PR) 8, Robertson (PR) 7; Lindsay (PR) 10, Rudderham (PR) 2; Newton (PR) 11, J. Eby (PR) 4; Whatman (PR) 8, Mealy (PR) 4; Ford (PR) 9, Schuman (PR) 6; Lemire (PR) 8, Kerr (PR) 4. Gomez (PR) 10, Eyolfson (PR) 6; Whatman (PR) 8, Ford (PR) 6; Lindsay (PR) 9, Newton (PR) 8.

4,000 sign petition for pardon

VANCOUVER (CP)—A province-wide appeal is to be launched this week in an effort to save Robert Arthur Chapman from the gallows.

Chapman, 19, is under sentence to be hanged April 31 for the shotgun slaying of his brother at Chilliwack.

Nearly 4,000 persons signed petitions circulated in United Churches in the Fraser Valley and New Westminster Sunday and all United Church ministers in B.C. will be asked to circulate the petitions next Sunday in an attempt to have Justice Minister Fulton commute the death sentence to life imprisonment.

Rev. Milton Little, minister at Sixth Avenue United Church in New Westminster and chairman of the presbytery's committee on capital punishment, said he will send petitions to all ministers today.

HONOLULU (AP)—A seaman held as a suspect here in the slaying of a Vancouver, B.C., bartender, declared Monday: "I am not a murderer."

Konstantin Dumitru, 21, was held in connection with the slaying of 43-year-old Robert White, March 7.

Pioneer dies

William Henry Sherman, 337 Third Avenue West, well-known former steelworker at the Prince Rupert drydock and shipyard for 25 years and a resident of this city since 1908, died yesterday at his home. He was 70.

$50,000 sent to strikers

VANCOUVER (AP) — Union members in British Columbia have donated almost $50,000 to the International Woodworkers of America (CLC) in Newfoundland, secretary E. P. O'Neal of the B.C. Federation of Labor said Monday.

Mr. O'Neal said he mailed a cheque for $3,400 to the strikers during the weekend as the latest donation from B.C. Donations were continuing to come in from locals of various unions throughout the province.

The federation hopes to raise more than $100,000 for the IWA in its dispute with Premier Smallwood and the Anglo Newfoundland Development Company.

RED-BLOODED IRISHMEN HOPE DRY CELEBRATIONS ARE OVER

DUBLIN (AP) — Ireland's millions will celebrate today what many a red-blooded Irishman hopes is the last dry St. Patrick's Day.

While Irishmen all over the world are knocking back the liquor, the people of the Emerald Isle will be facing what many regard as a local nuisance.

For it is illegal in Ireland for the public bars to serve drinks on — of all days — the national day.

But now it is expected that Ireland's liquor laws will be relaxed and that next year it will doubtless be legal to do what Irishmen do anyway.

In other respects, St. Patrick's Day gets special attention. Businesses will be closed. Church services will be held across the nation. In Dublin, a great industrial parade and pageant will wind through the main streets. Sport will boom.

TOP MOUNTIE RESIGNS

Tributes paid commissioner

OTTAWA (CP) — Tributes to RCMP Commissioner L. H. Nicholson, who resigned from the force yesterday, poured in today.

Justice Minister Fulton announced the resignation of Commissioner Nicholson in the Commons yesterday. The RCMP officer disagreed with the government on the question of RCMP reinforcements for Newfoundland where a logging strike by the International Woodworkers of America has resulted in strife.

Colleagues of soldierly Leonard Hans Nicholson voiced their praise of the New Brunswick farm boy who became top mountie.

He is the ninth commissioner since the federal police force began 86 years ago as the old North West Mounted Police.

A senior colleague said: "He is a wonderful man. We may never see the likes of him again in the force."

Another commented: "He had the welfare of the men at heart. He is deeply respected and will be missed."

The white-haired, blue-eyed police chief ends a career that stretched back to 1923 when he joined the force as a teen-age rookie constable.

MAY TAKE OUT

Normally, the compulsory retirement age for commissioners is 62. If Commissioner Nicholson had remained on, he could have retired next year at 55 on full pension—70 per cent of his $10,000-a-year salary. By quitting at this time, he may have to take a 20-per-cent pension cut.

Shortly after joining the RCMP in the Maritimes in 1923, Commissioner Nicholson left the force and joined the New Brunswick provincial police.

With the provincial police, he rose to the rank of inspector; switched over to the Nova Scotia police and became a superintendent. In 1932 when the RCMP took over provincial duties, he joined the force and became an inspector based at Halifax in charge of criminal investigation. In 1938 he was transferred to Saskatchewan in charge of criminal investigation.

With the opening of the Second World War, he quit the force; went overseas as a lieutenant with the Saskatchewan Light Infantry; swung over to the army provost corps; served in Italy and Northwest Europe and came out of the army and the war as army provost marshal with the rank of colonel.

He went back to the RCMP with the rank of deputy commissioner, directing criminal investigation. He took over as top man in 1951 with the retirement of Commissioner S. T. Wood.

WEATHER—

Gale warning in effect. Northwest gales 40 decreasing to westerly 20 Wednesday morning. Partial clearing overnight. Milder. Low tonight and high Wednesday at Prince Rupert 43 and 48.

TIDES—

Wednesday, March 18, 1959

High	07:24	16.7 feet
	20:57	15.2 feet
Low	01:03	10.3 feet
	14:23	7.5 feet