

MAN CHARGED WITH DEATH OF HIS BROTHER

'Cabin fever' led to fatal shooting, court told here

by AL IRWIN
Citizen Staff Reporter

A man accused of murdering his brother near Vanderhoof was suffering from "cabin fever", defence lawyer Dennis Archambault told a Supreme court jury here Wednesday.

Both Archambault and Crown prosecutor Allan Bate presented their final arguments in the trial of Donald Glen Boudreau, 27, to the jury Wednesday after three days of evidence in the second-degree murder trial.

The jury will retire to deliberate its verdict after being charged today by Mr. Justice John G. Gould.

The defence lawyer told the five-man, seven-woman jury there was no question

that his client fired the rifle that killed his brother Larry Gerald Boudreau, 27, in a cabin near Vanderhoof May 13.

Archambault said Boudreau's intention was not to kill his brother, but only to show him what it was like to have a gun pointed at him.

He said the two men had been together in the bush for three months, seldom seeing or talking to anyone, and they "had begun to wear on each other's nerves."

His client had been threatened with death on several occasions by the deceased, and the two had been arguing for a long time about "stupid childish things," such as how much

food one ate, or camp responsibilities.

Archambault said this type of behavior was what could occur between two men "after too long in the bush", and described it as "cabin fever."

He said the shooting was a tragedy, not a murder, and asked the jury for a not-guilty verdict.

The accused testified earlier Wednesday that he shot his brother, but did not intend to.

"I felt sorry for him if anything. I never hated Larry. I never meant to kill him. I wanted him to know what it was like to be facing a gun", Boudreau testified.

Boudreau said he and his brother had left Victoria on a prospecting trip, and had been living alone in the bush



for about three months when they arrived in Vanderhoof.

During that time they had begun fighting and arguing over trivial matters, and the accused had decided to leave his brother.

While camped near Vanderhoof they met a Vanderhoof man, Frank Elo, who offered them the use of

a small cabin on his property. Elo helped them both find work at a mill, but arguments between the brothers continued until they were not speaking to each other, Boudreau testified.

The deceased had pointed a gun at the accused several times, threatened him with death, and made a point of carrying an axe into his

bedroom at night Boudreau said.

The accused had quit his job and was preparing to leave the night of the shooting. When Larry went to bed he pointed a finger in imitation of a pistol at Donald as he walked past him.

"After he went to bed I decided I wanted to show him what it was like to have a gun pointed at him," Boudreau testified.

Boudreau said he got his rifle, went to his brothers room, and turned on the light.

"He rolled over in bed and asked what I was doing. I cocked the rifle and pointed it at him and said bang."

"I recall looking at his body and there was no movement or anything. I

was in shock... the idea that he was dead, there was a sound...like water trickling out of a...". The next thing I remember was the gun being fired again."

Under cross-examination by prosecutor Allan Bate, Boudreau said he did not go over to the bed to look at his brother after the first shot, because "it bothered me too much." He said he had not looked at his brother after the second shot either, but had just left the room.

The prosecutor told the jury there was no doubt the accused had killed his brother, but to prove murder the act must be accompanied by intention.

Bate said there was "an irresistible inference when a person is shot twice that the intention is to kill."

He said also that "one

would wonder how he could cock the rifle but not see that there was a bullet in it."

And he said the evidence indicated that only two shots were fired, and both hit the deceased.

"That is a peculiar kind of accident."

Bate told the jury that if they could not find intent they could find the accused guilty of manslaughter if they found death was caused as the result of a wrongful act.

Pointing a firearm, loaded or unloaded, at another person without lawful excuse is punishable under the Criminal Code, Bate told the jury.

Mr. Justice John G. Gould addressed the jury today before it retires for deliberation of the verdict.

GAS PRICE HIKES

'Move hearings here'

MLA Howard Lloyd has thrown his weight behind a Prince George Chamber of Commerce move to have the B.C. Energy Commission hearings moved from Penticton to Prince George.

The hearings Nov. 7 concern an Inland Natural Gas application to increase prices between 5.5 and 11.1 per cent for residential and general customers.

The chamber sent a telegram to the commission Wednesday asking that the hearings be moved to Prince George which has the bulk of Inland's consumption.

Lloyd said he will ask the commission to move the hearings or have another session in Prince George.

He agreed with the chamber of commerce's contention that written briefs without personal representations would carry less weight at the hearings.

The chamber's telegram said that because the adverse economic impact of any rate increase would be more severe throughout the greater Prince George area, the commission is asked to remember and have the hearing rescheduled to take place in Prince George.

"I certainly think there is less impact without personal representation. It's also an opportunity to have those presenting briefs to listen to others," Lloyd said.

The chamber telegram cited the weather conditions here,

Collision injures 4

Prince George RCMP are investigating a head-on collision which took place about midnight near the new Nechako bridge.

Traffic officer Sgt. Ken Craig said three persons were injured in the accident. One is still in intensive care unit in the hospital, while the second was undergoing surgery. The third person involved has been released.

"So far we haven't been able to question anybody and the investigation is continuing," Craig said.

No names were released.

FOUR PER CENT

Doctors unhappy

FAIRMONT HOT SPRINGS, B.C. (CP) — British Columbia physicians are laying plans to drop out of the provincial medicare scheme or bill patients directly because they may receive only a small fee increase this year, the president of the B.C. Medical Association (BCMA) said Wednesday.

Dr. Tony Milobar told the annual meeting of the BCMA general practice section that the association has received hints from government that doctors will be allowed a four-per-cent fee increase.

As a result, the BCMA will have to "start moving so members have some options like balance billing and opting out, and these are ways we are going to have to go," he said.

Participation in the plan to opt out or charge extra will be voluntary and some doctors will probably not want to get involved, he said.

Health Minister Bob McLelland is touring hospitals in northern B.C. and was unavailable for comment.

Negotiations are expected to begin in November between the BCMA and the provincial government to hammer out a

the heavy use of gas, load distribution and distance from the hearings as reasons the session should be held here.

PAIR CHARGED

Bullets riddle car

Two men charged after an empty vehicle was riddled by rifle fire at McLeod Lake Saturday were released on cer-

Mardi Gras date chosen

Dates have been set for Prince George's annual mid-winter bout of madness known as Mardi Gras.

Snow Golf, Knurdling, Underwater Ice Hockey and lots of other oddball activities will be held Feb. 9-19, 1979.

The Mardi Gras Of Winter Society decided recently to hire a full-time executive director to co-ordinate this year's activities.

Park causes rift

Miworth may be on its way to resolving differences over two acres proposed for a park.

At a meeting of the Miworth Community Association Wednesday, a majority voted in favor of developing the two-acre site so a committee was struck to look into the possibility of development.

The two-acre park site, promised to the community by a subdivision, caused a sharp split in opinion in the community, 15 km west of Prince George.

Some residents didn't want the park developed, others wanted it owned by the community association and not the regional district.

Association president Ray Miller said that after meetings with the developer and the regional district, it was realized that because the park was donated to the community, the title should be held by the regional board, as the governing body of the community.

Under a proposal which will be coming before the regional board, the board will take on

The cost of Inland's presentation, it was noted, will eventually be borne by the consumers.

tain conditions after a bail application Wednesday in provincial court.

Terrance Leon Stuart, 40, and Kenneth Sinclair Gatey, 41, both of McLeod Lake, are charged with mischief and using a firearm while committing an indictable offence.

Crown prosecutor Don Kennedy said about 30 shots from a carbine and five from a shotgun were fired into the van.

The two men were ordered to reappear in provincial court here Sept. 27, abstain from all intoxicants, not carry firearms, not communicate with the owner of the vehicle and report regularly to the RCMP.

the function of ownership of community parks while looking after such things as insurance, but development of the park would be up to the individual community associations.

The Miworth committee, which is to report to the association's October meeting, was charged with finding out if a suitable development plan can be drawn up for the park and if it can be, to outline such a plan.

Proposed uses for the park include a skating rink and playground.

RECREATION COMMISSION

Park-land policy adopted

The regional recreation commission has adopted a draft policy for obtaining and developing park land for regional communities.

The commission, which oversees recreation in the areas outside the city limits of Prince George and Mackenzie, approved a policy Wednesday which would allow the regional district to obtain and own land which can be developed by various community associations for parkland or other community use purposes.

The proposal now goes to the regional board for its approval. Once that is complete, the regional board would work out details with the provincial government before the proposal is finalized.

Under new amendments to the Municipal Act, the

Downtown power cut

B.C. Hydro linemen were looking today for a gremlin which knocked off power to the south part of Prince George's downtown and parts of the North Nechako area.

Power was cut for about 90 minutes late Wednesday.

District manager Cliff Day said no cause for the outage was found by linemen during the blackout, but it was thought a "flash-over" happened. It had been raining at the time.

Day said workers were investigating the problem area today to find evidence of the trouble.

Marijuana cultivation earns jail

A Loos man has been sentenced in county court to a three months concurrent sentence for cultivating marijuana.

Laurie Irwin DeGroot pleaded guilty to the charge, laid after police seized about 13 kilograms of home-grown marijuana at Loos, 57 km west of McBride, last year.

The Crown entered a stay of proceedings on a charge against DeGroot of possession of marijuana for the purpose of trafficking. That charge was laid in connection with the same drug seizure.

The Crown also stayed charges of cultivating and possession for the purpose, laid against DeGroot's wife Wendy Lynne, 26, in connection with the same incident.

The three-month term imposed Tuesday by Judge C. R. Lander, will be served by DeGroot at the same time as a one-year term imposed in August for possession of marijuana for the purpose of trafficking.

regional board has the right to ask for five per cent of land in any development to be dedicated for community use.

Under the draft proposal, the regional board would obtain and own the land; but the development of the land would be in the hands of the community association or similar group.

John McMurchy, regional recreation director, said regional ownership was neces-

Threat of 'controls' angers communities

PENTICTON, B.C. (CP) — A threat by the British Columbia government to control excessive municipal surpluses brought an angry response from civic politicians attending the Union of B.C. Municipalities convention here Wednesday.

Hugh Curtis, municipal affairs and housing minister, warned that the provincial government was examining controls in view of what he saw as excessive surpluses.

"Speaking to about 1,000 delegates, the minister said they meant "an unjustified surtax on every class of property taxpayer."

Curtis said over the years municipalities have accumulated a total of \$324.6 million in surpluses, while provincial government guidelines permit them to have a total surplus of \$144 million.

New Westminster Mayor Muni Evens, a former president of the UBCM, accused the minister of "making accusations against municipalities that are really a matter of book-keeping."

"I could come up with any manner of surpluses in the different ways I could juggle the books," he said. "It all depends where the money is and what is earmarked for the future."

Kelowna alderman Jim Stuart, chairman of the Municipal Finance Authority, said Curtis' comments are misleading and "show the old expression about figures don't lie but liars can figure."

Stuart said Kelowna is one of the municipalities which Curtis cited as having over 100 per cent in surplus of annual taxation requirements but when calculated it amounts to

only three per cent of the total school and municipal budget.

Earlier Wednesday, Premier Bill Bennett told delegates they should lead a "spending revolt" rather than a tax revolt like that in Califor-

Union 'blackmail' blasted by Lloyd

Although a dinner date with Social Credit officials will keep

Fort George MLA Howard Lloyd away from a labor forum here Friday, he still had a few words to say about unions today.

He said they should "show more responsibility" and stop "almost blackmailing the public."

The Prince George Labor Council asked Lloyd about a week ago to participate in the forum, featuring Tom Fawkes, a right-to-work specialist with the International Woodworkers of America.

The council is opposed to any right-to-work legislation, which would allow workers not to take out memberships in unionized companies.

Lloyd said he can't make Friday's session because he committed himself to a Social dinner prior to being asked by the labor council.

Attending the dinner will be Dan Campbell, a major political strategist with the Social

nia where taxpayers voted to limit taxes there.

The premier said increased homeowner grants are being considered along with other tax-softening measures in the next provincial budget.

Credit government and a long-time party member.

Although unable to make Friday's meeting, Lloyd pointed out he voted against right-to-work legislation at the last provincial Social convention.

However, he also said unions should show "more responsibility" in negotiations because "they're almost blackmailing the public."

He said unions "were a terrific asset in the past" but "good union practice" should not be to "coerce people into joining. People should be entitled to make their decision at any time."

Lloyd also pointed out there are two kinds of people; those who can't find jobs and those benefiting from high wage settlements obtained by unions.

"Unions should try and get more people employed," he said.

Mackenzie trio face charges

MACKENZIE (Staff) — Three local men have been charged in provincial court in connection with a high-speed chase, a fight with police officers, and a fire in police cells here Wednesday.

Police said that after a chase through Mackenzie streets at about 2:35 a.m., during which the pursued car narrowly missed other vehicles and pedestrians and ran stop signs, the pursued car collided with a police car.

While Constable Gary Shaw was taking the driver into custody, another car pulled up and its two occupants began harassing Shaw, a police spokesman said.

The three men were taken into custody. Outside the police office a fight broke out.

After the men were lodged in police cells, a fire broke out in a mattress and blanket in one cell, police said.

Robert John Makuk, 22, is charged with dangerous driving, driving while impaired, resisting arrest and refusing to take a breathalyzer test.

James Brian Earl, 19, is charged with lighting an inflammable substance, wilful damage and obstruction of a police officer.

Richard John Wabre, 20, was charged with obstructing a police officer and resisting arrest.

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TONIGHT AT 7:30 SPECIAL NDP MEETING

College of New Caledonia Vanderhoof Building, Room 1-306

Due to redistribution, Prince George has now been split into two ridings provincially. Tonight the founding meeting of the new Prince George North and Prince George South constituency associations will elect new executives. These are the people who will develop the new constitutions, have the power to call nomination meetings, and run the NDP between general meetings. This is your chance to have the NDP run the way you want.

ADDED ATTRACTION
Tom Fawkes will speak on Right to Work Legislation
Tom is the author of a book on the subject and has spoken to groups across the province on what "right-to-work" really means.

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