



Jamie Baillie is expected to announce today that he intends to run for the Tories in a byelection in Cumberland South, the riding now represented by Murray Scott.

(CHRISTIAN LAFORCE / Staff)

Baillie eyes Cumberland South

Sources: Interim Tory boss to confirm today he'll run in riding

By **JEFFREY SIMPSON**
Provincial Reporter

Interim Progressive Conservative leader Jamie Baillie will confirm today that he'll run in the riding of Cumberland South, sources have told The Chronicle Herald.

Longtime Tory MLA Murray Scott, 57, who announced Aug. 10 that he planned to quit the seat this fall to spend more time with his family, will make that official today at the same

news conference in Springhill, clearing the way for the incoming party leader.

Scott is a former police officer in Springhill and was first elected in 1998.

Premier Darrell Dexter said recently that he'd like to get the byelection out of the way as soon as possible.

Baillie, 44, who resigned last week from his post as president of Credit Union Atlantic and is a former chief of staff to former

Tory premier John Hamm, has said he's planning to focus on rebuilding the party.

"I am convinced that we are going down the wrong road with the NDP government and I have some sense of a better way," Baillie told a news conference in August.

Baillie, who is originally from Truro but lives in Halifax, doesn't have a seat in the legislature. He was confirmed as the party's sole leadership candidate

after the August deadline passed without anybody else entering the race and was named interim leader shortly afterward.

The Tories still plan to hold a leadership convention in October to officially install Baillie as the boss. He follows former premier Rodney MacDonald as head of the Conservatives; MacDonald resigned the post after a devastating defeat in the provincial election of June 2009 and quit as MLA a year ago.

The Tories have eight seats of 52 in the legislature.

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Work on skating oval starts this week

By **JOHN MCPHEE**
Staff Reporter

The first signs of winter have sprung up at the Halifax Commons.

A fence has been built that will enclose a construction site where a speedskating oval will be built. The oval will be used for a long-track speedskating test event in January and for the Canada Games the following month. It will also be open for public use before and after the Games.

Heavy machinery will be brought in Thursday or Friday to level the playing fields, said Terry Gallagher, manager of facility development for Halifax Regional Municipality.

"The big challenge from a civil engineering point of view is that you have to make that site flat," Gallagher said in an interview Tuesday. "If you've ever built a skating rink, you know it's not easy to build one on a hill."

Dexter Construction has been awarded the contract to prepare the site for the installation of the track and refrigeration system.

The first step will be grinding up the topsoil and grass, Gallagher said. That material will be stored on site and used again in the final stage of the site preparation work.

Dexter also must install an underground system that will drain water back to catch basins. The southeast corner of the North Common is notorious for building up water, he said.

The ice surface and refrigeration system will be installed by Custom Ice of Burlington, Ont.

The construction work won't interfere with the asphalt pedestrian paths that criss-cross the Commons, Gallagher said. But a grass path located in the construction area from the water fountain toward the Halifax Citadel won't be accessible.

The project comes with a price tag of \$2.1 million, which covers construction of the oval and subsequent operational costs. The Games, from Feb. 11 to 27, will cost the municipality a total of about \$8.8 million, while the federal and provincial governments have each committed about \$11.1 million.

The playing fields will be restored next summer and will be ready for use in the fall of 2011, according to the municipality's website.

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Illegal smokes trial to go ahead

Prosecutors win appeal to have search warrants ruled valid

By **BEVERLEY WARE**
South Shore Bureau

BRIDGEWATER — A Lunenburg County man will be going to trial after all on charges of having more than 40,000 illegal cigarettes.

The case against William Oswald Russell of Barss Corner fell apart earlier this year when a provincial court judge ruled search warrants were inadmissible. That meant the cigarettes found as a result of the warrants could not be allowed as evidence.

But both the federal and provincial prosecutors filed an appeal and argued their cases in Bridgewater in July.

A Nova Scotia Supreme Court justice has ruled the search warrants are valid, and the cigarettes can be entered as evidence.

Federal prosecutor Mark Covan said he intends to take the case to

trial. A date has yet to be set.

Russell was charged with six counts under the federal Excise Act and the provincial Revenue Act after police seized 200 cigarettes from a truck on Aug. 27, 2008 and 46,200 more when they searched a home the next day.

Trial Judge Jim Burrill had ruled that the investigating officer was negligent in not providing enough detail in the informations used to get the search warrants, or in establishing the reliability of the informant. Because of that, Burrill found the searches violated Russell's rights and that the cigarettes could not be used as evidence.

Appeal Court Justice David MacAdam's written decision was released Tuesday.

He said the trial judge should not have substituted his own views for that of the justice of the peace, who found there were

reasonable and probable grounds to issue search warrants. MacAdam ruled the trial judge focused on what was not contained in the informations.

"The trial judge appeared to focus on what was not contained in the (informations to obtain) rather than what was included. . . . In my view, the focus should be otherwise. It should be on the sufficiency of the material included, rather than on what additional material might have been provided."

RCMP Const. Paul McCallion had filed informations saying he believed an illegal tobacco market was being carried out from a stall at the Mahone Bay flea market. He was given a search warrant, and a search of a stall and pickup truck yielded 200 illegal cigarettes.

The officer received a second warrant for a home and garage,

where police found 46,200 illegal smokes.

Federal prosecutors argued the officer provided sufficient detail for the warrants, including that the informant said the cigarettes were buried in a refrigerator behind a garage and that he had bought some cigarettes that were still damp from being buried.

MacAdam agreed there was "a minimum of information" in the informations but said it was not insufficient. He also said the officer was not negligent. He ruled that, if anything, the officer's failure to provide more information could be seen as "misunderstanding the sufficiency of information required to obtain a search warrant; in these circumstances, it is not negligence."

The justice wrote, "There is no evidence of deliberate and egregious police conduct, nor evidence the police deliberately abused their power."

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