

# In the Privy Council.

No. 102 of 1936.

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## ON APPEAL FROM THE SUPREME COURT OF CANADA.

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IN THE MATTER of a Reference as to whether the Parliament of Canada had legislative jurisdiction to enact Section 498A of The Criminal Code, being Chapter 56 of the Statutes of Canada 1935.

BETWEEN

THE ATTORNEY-GENERAL OF BRITISH COLUMBIA *Appellant,*

AND

THE ATTORNEY-GENERAL OF CANADA AND  
THE ATTORNEYS-GENERAL OF THE  
PROVINCES OF ONTARIO, QUEBEC, NEW  
BRUNSWICK, MANITOBA, ALBERTA AND  
SASKATCHEWAN ... .. *Respondents.*

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## CASE

OF THE RESPONDENT THE ATTORNEY-GENERAL OF ONTARIO.

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1. This is an appeal by special leave of the Attorney-General of British Columbia from the judgment of the majority of the Supreme Court of Canada dated the 17th of June, 1936, in the matter of a Reference as to whether the Parliament of Canada had legislative jurisdiction to enact Section 498A of the Criminal Code, being Chapter 56 of the Statutes of Canada 1935, in which judgment it was found that the said Section 498A of the Criminal Code was *intra vires*.

Record.  
p. 36.

2. The Respondent, the Attorney-General of Ontario, supports the appeal and says that Clause (a) of Section 498A of the said Criminal Code is  
10 *ultra vires* of the Parliament of Canada and submits that the judgment of

Record. the majority of the Supreme Court of Canada as delivered by Sir Lyman P.  
p. 37, l. 20. Duff, Chief Justice, is wrong and should be reversed, and that the judgments  
p. 39, l. 30. given by Mr. Justice Cannon and Mr. Justice Crocket in the Supreme Court of  
p. 41, l. 37. Canada are right for the following, amongst other reasons that will be  
advanced upon the argument

### BECAUSE

(1) Of the submissions contained in the factum of the Attorney-General of Ontario ;

(2) Of the reasons contained in the judgments of Cannon J. and Crocket J.

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All of which form part of the Record of Proceedings in this Appeal.

A. W. ROEBUCK.

I. A. HUMPHRIES.

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MANITOBA, ALBERTA AND SAS-  
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CASE OF THE RESPONDENT  
THE ATTORNEY-GENERAL OF ONTARIO.

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BLAKE & REDDEN,  
17, Victoria Street,  
London, S.W.1.