



In the Privy Council.

ON APPEAL  
FROM THE SUPREME COURT OF CANADA. 44881

IN THE MATTER of THREE BILLS passed by the LEGISLATIVE ASSEMBLY OF THE PROVINCE OF ALBERTA at the 1937 (Third Session) thereof, entitled respectively:—

- “An Act Respecting the Taxation of Banks”.
- 10 “An Act to Amend and Consolidate the Credit of “Alberta Regulation Act”; and
- “An Act to Ensure the Publication of Accurate News “and Information”;

And reserved by the Lieutenant-Governor for the signifi-  
cation of the Governor General’s pleasure.

BETWEEN:—

THE ATTORNEY GENERAL OF ALBERTA  
*Appellant*

— AND —

20 THE ATTORNEY GENERAL OF CANADA;  
THE CANADIAN PRESS AND NEWS-  
PAPERS’ ASSOCIATIONS; THE ALBERTA  
PRESS; THE CHARTERED BANKS OF  
CANADA and THE ATTORNEY GENERAL  
OF BRITISH COLUMBIA - *Respondents.*

**CASE OF THE RESPONDENTS**

RECORD.

THE CANADIAN PRESS, CANADIAN DAILY NEWSPAPERS ASSOCIATION and CANADIAN WEEKLY NEWSPAPERS ASSOCIATION in respect of “An Act to Ensure the Publication of Accurate News and Information.”

30 1. This is an appeal by special leave from a judgment of the Supreme Court of Canada delivered on the 4th day of March 1938, p. 128.

p. 5. answering questions referred to the said Court for hearing and consideration by order of His Excellency the Governor-General in Council dated 2nd November 1937, P.C. 2749 pursuant to the provisions of Section 55 of the Supreme Court Act.

p. 128. **2.** The questions so referred and the answers of the Court are as follows :—

(1) Is Bill No. 1 entitled "An Act Respecting the Taxation of Banks" or any of the provisions thereof and in what particular or particulars or to what extent *intra vires* of the Legislature of the Province of Alberta? Answered in the negative. 10

(2) Is Bill No. 8 entitled "An Act to amend and Consolidate the Credit of "Alberta Regulation Act" or any of the provisions thereof and in what particular or particulars or to what extent *intra vires* of the Legislature of the Province of Alberta? Answered in the negative.

(3) Is Bill No. 9 entitled "An Act to ensure the Publication of Accurate "News and Information" or any of the provisions thereof and in what particular or particulars or to what extent *intra vires* of the Legislature of the Province of Alberta? Answered in the negative.

**3.** The three Associations on whose behalf this case is filed are directly concerned only with Bill No. 9 entitled "An Act to 20 "Ensure the Publication of Accurate News and Information." All three are co-operative Associations operated without purpose of gain. There is included in the membership of The Canadian Press and the Canadian Daily Newspapers Association virtually all the daily newspapers of Canada and the membership of the Canadian Weekly Newspapers Association includes a majority of the weekly newspapers of Canada. Canadian Daily Newspapers Association and Canadian Weekly Newspapers Association have for their object the furtherance of the interests of their members in matters other than the gathering and disseminating of news, this being the 30 function of The Canadian Press.

p. 15, l. 22. **4.** The preamble of the Bill recites that it is "expedient and "in the public interest that the newspapers published in the "Province should furnish to the people of the Province statements "made by the authority of the Government of the Province as to "the true and exact objects of the policy of the Government and "as to the hindrances to or difficulties in achieving such objects to "the end that the people may be informed with respect thereto." p. 16, l. 9. Section 3 of the Bill compels the publication by Alberta newspapers

of any statement furnished by the Chairman of the Board constituted by Section 3 of The Alberta Social Credit Act, "which has p. 88, l. 1.  
 "for its object the correction or amplification of any statement p. 16, l. 12.  
 "relating to any policy or activity of the government of the Province  
 "published by that newspaper within the next preceding thirty-one  
 "days." Section 4 of the Bill requires newspapers to disclose the p. 17, l. 5.  
 sources of their information and persons from whom such information was received. This section is not in express terms limited to statements "relating to any policy or activity of the government of  
 10 "the Province of Alberta." Section 6 of the Bill empowers the p. 17, l. 19.  
 Lieutenant-Governor in Council, if satisfied that there has been a contravention of the Act, to suspend the publication of the paper or to prohibit the publication in any newspaper of any information emanating from any person or source specified in the order.

5. These Respondents submit that Bill No. 9 is *ultra vires* of the Legislature of the Province of Alberta and that the appeal with respect to this Bill should be dismissed for the following amongst other

### REASONS.

- 20 1. Because the true subject of the legislation is censorship of the press, which is not within the subjects enumerated in Section 92 of The British North America Act.
2. Because the legislation is within the jurisdiction of the Dominion Parliament "to make laws for the peace, "order and good government of Canada in relation to "all matters not coming within the classes of subjects "by this Act assigned exclusively to the Legislatures "of the Provinces."
- 30 3. Because the subject is within the exception found in sub-head 10 (a) of section 92 of The British North America Act since the undertakings sought to be controlled are undertakings extending beyond the limits of the Province.
4. Because the Bill purports to regulate the press from the viewpoint of public wrongs rather than private wrongs and therefore usurps the field of criminal law assigned to the Dominion Parliament.
- 40 5. Because the act is part of a larger body of legislation having for its avowed object the introduction of a new

political and economic system known as "Social Credit," the keynote of which is the so-called monetization of provincial credit which must involve the creation and issue by the Province of currency or paper money, something that is clearly beyond the powers of a Provincial Legislature.

6. Because the Act attempts to constitute the Lieutenant-Governor in Council a Court to try the question of whether or not any newspaper proprietor has been guilty of a contravention of any of the provisions of the Act. 10
7. Because the provisions of the Act, that the Lieutenant-Governor in Council may suspend the publication of a newspaper, may prohibit the publication by such newspaper of anything written by any person specified in the order and the publication of any information emanating from any person or source specified in the order (section 6) if acted upon would destroy the status and powers of companies coming within its scope which were incorporated by Dominion charters. 20
8. Because the effect of the act is to confiscate or appropriate without compensation newspaper space and this is beyond the powers of a Provincial Legislature.
9. Because, having regard to the national interest and importance of the undertakings of newspapers, the Bill cannot be supported as legislation dealing with property and civil rights in the Province (sub-head 13 of section 92) or as a matter of merely local or private interest in the Province (sub-head 16 section 92). 30
10. Because the opinions of the Judges below are right for the reasons assigned.

H. P. DUCHEMIN.

A. J. THOMSON.

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Accurate News and Information".**

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