

In the Privy Council.

No. 54 of 1931.

ON APPEAL
FROM THE APPELLATE DIVISION OF THE SUPREME
COURT OF ONTARIO.

BETWEEN :

THE CORPORATION OF THE CITY OF TORONTO
(*Suppliant*) *Appellant*

AND

HIS MAJESTY THE KING, REPRESENTED HEREIN BY HIS
MAJESTY'S ATTORNEY-GENERAL FOR THE PROVINCE OF
ONTARIO - - - - - (*Respondent*) *Respondent*

AND

THE ATTORNEY-GENERAL OF THE DOMINION OF
CANADA and THE ATTORNEY-GENERAL FOR
THE PROVINCE OF QUEBEC - - - - - *Interveners.*

CASE OF THE ATTORNEY-GENERAL OF CANADA.

1. The Attorney-General of Canada intervenes by special leave and for the purpose only of maintaining the legislative authority of the Parliament of Canada to enact the provisions of s. 1036 of the Criminal Code, R.S.C., 1927, c. 36 (which will be found set out at pp. 2 and 3 of the Appellant's Case herein), and in particular the proviso to the first subsection thereof, the majority of the Judges of the Appellate Division of the Supreme Court of Ontario (Riddell, Masten and Fisher J.J.A.; Latchford, C.J., and Orde, J., dissenting) having by the judgment herein dated the 28th March, 1930, pronounced the said proviso *ultra vires* of the Parliament of Canada.

RECORD.

pp. 27-44.

RECORD.
pp. 27-44.
pp. 18-24.
pp. 18-22,
27-28,
38-42.

2. The Attorney-General of Canada refers to the Case lodged on behalf of the Appellant, the City of Toronto, and respectfully submits that the appeal should be allowed and the judgment of the majority of the judges of the Appellate Division of the Supreme Court of Ontario reversed and that of the trial judge, Rose, J., dated 23rd April, 1929, affirmed, for the reasons stated in the latter's judgment and in the judgments of Latchford, C.J., and Orde, J.A., and for the reasons stated in the said Case.

D. N. PRITT.

C. P. PLAXTON.

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VINCE OF QUEBEC - - *Interveners*

**CASE OF THE ATTORNEY-GENERAL
OF CANADA.**

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