

When, in 1950, the trial division of the Queen's Bench in Quebec, in a case in which the provincial government intervened in support of the statute, found against Switzman, he appealed the judgment to the Court of Appeal in Quebec. There, in 1954, the verdict of the lower court was upheld in a four-to-one vote. Further appeal was delayed until supporters of Switzman could raise enough money to take the case to the Supreme Court of Canada. This was done late in 1956. As the case was argued, the main contention of the respondent (Quebec Government) was that Padlock Law involved property and civil rights, matters allocated to the provincial jurisdiction by Sect. 92 of the British North America Act. Legal counsel for the appellant (Switzman) maintained that the Law dealt with civil liberties, which were quite a different matter. Professor Frank L. Scott, of McGill University, one of the lawyers who represented Switzman, maintained that the Padlock Law interfered with the Dominion Elections Act, that it created a new crime, thereby encroaching on Parliament's jurisdiction over criminal law, that it gave the Attorney-General of Quebec judicial powers, and that it interfered with freedom of speech, press and assembly.

On Mar. 8, 1957, the Supreme Court of Canada, by an eight-to-one vote, ruled that the Padlock Law was beyond the legislative powers of the Province of Quebec. In supporting the majority decision Mr. Justice I. C. Rand said:—

"... Canadian government is in substance the will of the majority expressed directly or indirectly through popular assemblies. This means ultimately government by the free public opinion of an open society, the effectiveness of which, as events have not infrequently demonstrated, is undoubted.

"But public opinion, in order to meet such a responsibility, demands the condition of a virtually unobstructed access to and diffusion of ideas. Parliamentary government postulates a capacity in men, acting freely and under self-restraints, to govern themselves; and that advance is best served in the degree achieved of individual liberations from subjective as well as objective shackles. Under that Government, the freedom of discussion in Canada, as a subject-matter of legislation, has a unity of interest and significance extending equally to every part of the Dominion . . .

"This constitutional fact is the political expression of the primary condition of social life, thought and its communication by language. Liberty in this is little less vital to man's mind and spirit than breathing is to his physical existence. As such an inherence in the individual it is embodied in his status of citizenship."

Legally, Quebec's Attorney-General, Mr. Duplessis, had the right to appeal against the Canadian Supreme Court decision to the judicial committee of the Privy Council in England. He would be able to do this because the Switzman-Elbling case had its beginning before Dec. 9, 1949, the date when the Supreme Court of Canada was made the final court of appeal for Canadian cases. Mr. Duplessis announced that he would not take this step. It seems, therefore, that the threat to press freedom once posed by the Padlock Law is now ended.

#### CURRENT DAILIES

Any comprehensive history of Canadian journalism must take into account individual newspapers. The value of the following list of dailies being currently published is to indicate which dailies have proved strong enough to survive twentieth-century competition. This list, prepared as at the end of 1957 and the beginning of 1958, is not, of course, likely to remain long unchanged: new dailies are founded from time to time and old ones die or merge with other papers. The founding year is given only for those papers established during the twentieth century; it is the year the news-organ began to publish rather than the year it was converted from less frequent to daily publication. The first name following such newer papers is usually that of the founder of the journal. Other persons included are journalists who gave important service on the newspaper. Hundreds of eminent journalists are, of course, necessarily omitted.

#### NEWFOUNDLAND—

Corner Brook <i>Western Star</i> , 1900.....	Dr. Walter S. March
St John's <i>News</i> .....	Hon. J. S. Currie, L. C. Currie
St. John's <i>Telegram</i> .....	The Herder family, C. E. A. Jeffery, M.B.E.