

Supreme Court Gives Ruling In Election Poster Action

OTTAWA (CP)—Only Parliament has the right to enact laws regarding political activity in federal elections, the Supreme Court of Canada has ruled.

In a 4-to-1 decision, the court threw out a \$25 fine imposed on Mr. and Mrs. Moses McKay of Etobicoke Township near Toronto for putting up a poster during the 1963 federal election urging support for the New Democratic Party candidate in the riding of York West.

Lower courts held that the election sign was contrary to a township bylaw forbidding signs of any sort on private property.

Mr. Justice J. R. Cartwright, writing the majority decision for the court, said he did not think it was the intention of the township to forbid election signs. Nor was it the intention of the Ontario legislature, from which the township gets its authority, to empower it to do so.

Any such enactment of the Ontario government to allow the township to prohibit the putting up of election posters would be ultra vires of the province.

"A political activity in the federal field which has heretofore been lawful, can, in my opinion, only be prohibited by Parliament."

The right to try to influence voters by lawful means was one enjoyed by an elector "not as a resident of Ontario but as a citizen of Canada."

Despite warnings from township officials, the McKays erected a poster calling for the election of David Middleton, the unsuccessful NDP candidate in the 1963 voting. He finished third behind Liberal Red Kelly, the sitting member, and the Progressive Conservative Candidate.

Magistrate H. H. Williams convicted the McKays but the Ontario Supreme Court reversed his decision. The Crown then took the case to the Ontario Court of Appeal which restored the conviction.

In a dissenting judgment, Mr. Justice Ronald Martland said he could find no provision in the Canada Elections Act allowing Canadians to put up signs anywhere for purposes of political propaganda.

Lesage Maintains Stand On Offshore Resources

QUEBEC (CP)—Premier Lesage, speaking out in a continuing controversy over offshore resources said here a 1958 international agreement cited by Federal Resources Minister Laing does not prevent Quebec from having complete jurisdiction over such riches.

Mr. Laing Thursday mentioned the agreement signed by 22 nations under the law of the sea "which gives jurisdiction over such offshore resources to the country whose land is adjacent."

The minister said his department acted under this treaty in granting an oil and gas exploration permit covering 9,500,000 acres in the Gulf of St. Lawrence.

Mr. Lesage told a group of Ontario students visiting the Quebec legislature:

"Mr. Laing seems not to know the significance of the word 'country'—the treaty Canada signed with the other countries in 1958 certainly doesn't deprive the provinces of the rights given them by the British North America Act."

"It would be inconceivable that the rights of the Canadian provinces should be swept

aside by international treaties." IS "SHOCKED"

Mr. Lesage had said Wednesday he was "shocked" by Ottawa's decision to grant the permit to Pan American Petroleum Corp. of Calgary.

He said the province was granting similar rights to Hydro-Quebec for the same area as a way of forcing a showdown in the issue.

The premier said Friday he is perfectly familiar with the 1958 agreement because as federal minister of northern affairs and natural resources until 1957 he had "prepared the documents, for the Canadian side, prior to the international conference at Geneva."

"When Mr. Laing says this treaty wants only Canada to have jurisdiction over the natural resources under the ocean floor, he is completely in error."

"The Canadian constitution was not changed by this treaty and it is on the basis of the inalienable rights given to Quebec that the (provincial) government set out to resist Ottawa's attempts to get hold of the submarine resources adjacent to Quebec's territory."

TUNKU IS ILL

LONDON (AP)—Tunku Abdul Rahman, 70, Malaysian prime minister, was under sedation Friday to ease the "considerable pain" he is suffering in his left leg, brought on by an attack of shingles, his physician said. The attack of shingles began early this week. Shingles is an acute, inflammatory skin disease of nervous origin.

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