

BILL

No. 82 of 1935.

An Act to Regulate the Publication of Reports of Judicial Proceedings in Civil Matters in the Province.

(Assented to _____, 1935.)

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

1. This Act may be cited as "*The Reports of Judicial Proceedings Act*."

2.—(1) Subject always to the other provisions of this Act, during the trial of any civil action or proceeding in the Supreme Court of Alberta or in any District Court, the judge before whom the trial is held may in his discretion prohibit the publication in any newspaper of any pleading, evidence, fact, matter or thing relating to or transpiring in the course of the trial if he deems it to conduce to the due administration of justice so to do.

(2) Every person who either directly or indirectly makes any publication which is so prohibited or assists or joins with any other person in so doing shall be guilty of an offence.

3. No person shall within the Province print or publish or cause or procure to be printed or published in relation to any judicial proceeding in any court of civil jurisdiction in the Province for dissolution of marriage or for nullity of marriage or for judicial separation or for restitution of conjugal rights or which relates to any marriage or any order, judgment or decree in respect of any marriage, any matter or detail the publication of which is prohibited by this Act and any other particulars save and except the following, that is to say—

- (a) the names, addresses and occupations of the parties and witnesses;
- (b) a concise statement of the charges, defences and countercharges in support of which evidence has been given;
- (c) submissions on any point of law arising in the course of the proceedings and the decision of the court thereon;
- (d) the summing up of the judge and the finding of the jury (if any) and the judgment of the court and observations made by the judge in giving judgment.

4. No person shall before the trial of any action or proceedings had in any court of civil jurisdiction in the Province, or if there be no trial, before the determination thereof within the Province print or publish or cause to be printed or published anything contained in any statement of claim, statement of defence or other pleading or in any affidavit or other document other than the particulars following, that is to say—

- (a) the names and addresses of the parties and their solicitors; and
- (b) a concise statement of the nature of the claim or of the defence, as the case may be, in general words such as the claim is for the price of goods sold and delivered, or for damages for personal injuries caused by the negligent operation of an automobile or as the case may be.

5. Nothing in this Act shall apply to the printing of any pleading, transcript of evidence or other document for use in connection with any judicial proceedings or to the communications thereof to persons concerned in the proceedings or to the printing or publishing of any notice or report in pursuance of any order or directions given by a court competent to so order or direct; or to the printing or publishing of any matter in any separate volume or part of any *bona fide* series of law reports which does not form part of any other publication and consists solely of reports of proceedings in courts of law or in any publication of a technical character *bona fide* intended for circulation among members of the legal or medical professions.

6. Every person who contravenes any of the provisions of this Act shall be guilty of an offence and shall be liable on summary conviction in respect of each offence—

- (a) if a natural person, to a fine of not more than one thousand dollars and costs and in default of payment to imprisonment for a term of not more than one year;
- (b) if a body corporate, to a fine of not more than five thousand dollars and costs.

7. In case the offence consists in the printing and publication of any matter, detail or thing in contravention of any of the provisions of this Act in any newspaper, circular or other publication printed and published in the Province, each of the following persons, namely: the proprietor of the newspaper, the editor of the newspaper, the master printer and the publisher shall each be guilty of the offence.

8. In case the offence consists in the publication in the Province of any matter or thing in contravention of this Act contained in any newspaper, circular or other publication printed without the Province, every person who within the Province receives any such newspaper, circular or other

publication and is engaged in the public distribution thereof or does any act or thing for the purpose of the public distribution thereof shall be guilty of the offence.

9. In any prosecution under this Act with respect to anything contained in any newspaper, circular or other publication printed without the Province, the fact that the accused was in possession of more than six copies of any such newspaper, circular or other publication shall be *prima facie* evidence that he was engaged in the public distribution thereof.

10. This Act shall come into force on the day upon which it is assented to.

No. 82.

FIFTH SESSION
SEVENTH LEGISLATURE
25 GEORGE V
1935

B I L L

An Act to Regulate the Publication of
Reports of Judicial Proceedings in
Civil Matters in the Province.

Received and read the

First time.....

Second time.....

Third time.....

HON. MR. LYMBURN

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1935