

# COURT ACQUITS OTTAWA PAPER

Dismissal Is Based on  
Principle of Good Faith

## CASE OF EDITORIAL

Ottawa, April 2 (CP).—The legal principle of "good faith" was cited today by Magistrate Glenn E. Strike in dismissing two charges under Defense of Canada Regulations laid against the Citizen Publishing Company, Ltd., in connection with an editorial carried last Jan. 11 in the Citizen and the Evening Citizen.

Proceedings were taken against the company after Justice Minister Lapointe told the House of Commons the editorial was "subversive." When the case was argued in court March 19 Crown Prosecutor Raoul Mercier said words in the editorial "particularly objected to" were the following:

"When the lads come home from overseas after some years of service at the real business end of a Bren gun they will know better where to shoot than Canadian veterans did in the years of debt and privation after the last war."

Magistrate Strike said the case "might very well be the subject of consideration by a higher court," but based his dismissal of the charges on Section 39 B (2) of the Defense of Canada Regulations.

This section states that "it shall be a defense to any prosecution . . . to prove that the person accused intended in good faith merely to criticize, or to point out errors or defects in, the Government of Canada . . . or in the administration of justice."

The magistrate's judgment noted the defense contention that the editorial had been couched "in meta-

phorical language," and that the meaning intended was "to shoot with ballots." It was unfortunate, the judgment said, that there was no indication to that effect in the Jan. 11 editorial, although it was so explained in another editorial carried by the two papers March 1.

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