

Privy Council Appeal No. 7 of 1915.

In the matter of a reference by His Excellency the Governor-General in Council to the Supreme Court of Canada, pursuant to Section 60 of the Supreme Court Act, of certain questions for hearing and consideration as to the respective legislative powers under the British North America Acts of the Dominion of Canada and the Provinces of Canada in relation to the incorporation of Companies and as to the other particulars therein stated.

**The Attorneys-General for the Provinces of
Ontario, Quebec, Nova Scotia, New Brun-
swick, Manitoba, Prince Edward Island,
Alberta and Saskatchewan** - - - - *Appellants,*

v.

**The Attorney-General for the Dominion of
Canada** - - - - - *Respondent,*

AND

**The Attorney-General for the Province of
British Columbia and The Canadian Manu-
facturers' Association** - - - - *Interveners,*

FROM

THE SUPREME COURT OF CANADA.

JUDGMENT OF THE LORDS OF THE JUDICIAL COMMITTEE
OF THE PRIVY COUNCIL, DELIVERED THE 24TH FEBRUARY, 1916.

Present at the Hearing:

THE LORD CHANCELLOR.
VISCOUNT HALDANE.
LORD PARKER OF WADDINGTON.
LORD SUMNER.

[*Delivered by* VISCOUNT HALDANE.]

Of the questions before the Board in this appeal some have already been disposed of by the judgments already delivered in the cases of the *John Deere Plow Company v. Wharton* (1915, A.C. 330), the *Bonanza Company*, and the *Insurance Act* reference. In the first of these cases, in which the judgments in the Supreme Court of Canada in the present reference were brought to their notice, their Lordships indicated that the task of answering the questions on the interpretation of the British North America Act imposed on the learned Judges in the Court below was one which it was, in their own opinion,

impossible satisfactorily to accomplish. They gave reasons for thinking that the abstract and general character of the questions put rendered it unsafe in the interests of justice to future suitors to attempt to answer them completely. Their Lordships are desirous of rendering all the assistance they can to the Governments of the Dominion and the provinces in the work, which is often difficult, of securing adequate assistance in the interpretation of the Constitution of Canada and the consequent framing of legislation. But, for reasons several times assigned in earlier judgments of the Judicial Committee, they feel the paramount importance of abstaining as far as possible from deciding questions such as those now stated until they come up in actual litigation about concrete disputes rather than on references of abstract propositions.

However, it so happens that on the present occasion most of the questions raised have been disposed of in the judgments in the three cases already referred to, and their Lordships will shortly indicate how far they consider this to have been done.

Questions 1 and 2 are answered as sufficiently as is expedient in the judgment given in the Bonanza case.

Questions 3 and 4 are sufficiently disposed of by the judgments in the Bonanza case and the Insurance Act reference.

As to question 5, their Lordships think it unnecessary to add to what they have said at length in the judgment in the Bonanza case.

As to questions 6 and 7, their Lordships have endeavoured in the case of the John Deere Plow Company to give as much assistance as is practicable in answering these questions. The questions are, however, in some of their developments of a highly abstract character, and the Board is of opinion that it is not prudent to go further than was done in the judgment in that case.

Their Lordships will humbly advise His Majesty that the answers to the questions brought before them on this appeal should be to the effect above indicated. There will be no order as to costs.



In the Privy Council.

(No. 7 of 1915.)

THE ATTORNEY-GENERAL FOR THE
PROVINCE OF ONTARIO AND OTHERS

v.

THE ATTORNEY-GENERAL FOR THE
DOMINION OF CANADA AND OTHERS.

(COMPANIES REFERENCE.)

DELIVERED BY VISCOUNT HALDANE.