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In the Privy Council.

No. 121 of 1928.

ON APPEAL FROM THE SUPREME COURT OF CANADA.

IN THE MATTER of a Reference as to the meaning of the word "Persons" in Section 24 of The British North America Act 1867.

BETWEEN

10 HENRIETTA MUIR EDWARDS, NELLIE L. McCLUNG, LOUISE C. McKINNEY, EMILY F. MURPHY and IRENE PARLBY - - - *Appellants*

AND

THE ATTORNEY-GENERAL FOR THE DOMINION OF CANADA, THE ATTORNEY-GENERAL FOR THE PROVINCE OF QUEBEC and THE ATTORNEY-GENERAL FOR THE PROVINCE OF ALBERTA - - - - - *Respondents.*

CASE OF THE APPELLANTS.

Record.

1. This is an appeal by special leave from a judgment of the Supreme Court of Canada dated the 24th April 1928, answering in the negative the question (referred to the Court for hearing and consideration by the Governor-General of Canada in Council under the provisions of Section 60 of the Supreme Court Act), "Does the word 'persons' in Section 24 of the British North America Act 1867 include female persons?" p. 38. pp. 3-4.

2. The appeal raises the question whether the Governor-General of Canada has the power to summon women to the Senate of Canada.

3. Of the Appellants, Henrietta Muir Edwards is the vice-president for the Province of Alberta of the National Council of Women for Canada; Nellie L. McClung and Louise C. McKinney were for several years members of the Legislative Assembly of the said province; Emily F. Murphy is a police magistrate in and for the said province; and Irene Parlby is a member of the Legislative Assembly of the said province and a member of the Executive Council thereof. 30

p. 3, l. 9.

4. On the 27th August 1927 the Appellants petitioned the Governor-General in Council to refer to the Supreme Court certain questions touching the powers of the Governor-General to summon female persons to the Senate and on the 19th October 1927 the Governor-General in Council referred to the Supreme Court the aforesaid question.

Appendix.

p. 21, l. 22.

5. Section 24 of the British North America Act is as follows:—

“ 24. The Governor-General shall from time to time, in the Queen’s name, by instrument under the Great Seal of Canada, summon qualified persons to the Senate; and subject to the provisions of this Act, every person so summoned shall become and 10
be a member of the Senate and a Senator.”

6. Section 24 is immediately preceded by a section setting out the qualifications of a Senator as follows:—

“ 23. The Qualifications of a Senator shall be as follows:—

p. 20, l. 47.

“ (1) He shall be of the full age of Thirty Years ;

“ (2) He shall be either a Natural-born Subject of the Queen, or a Subject of the Queen naturalized by an Act of the Parliament of Great Britain, or of the Parliament of the United Kingdom of Great Britain and Ireland, or of the Legislature of One of the Provinces of Upper Canada, Lower Canada, Canada, Nova Scotia, 20
or New Brunswick, before the Union, or of the Parliament of Canada after the Union ;

“ (3) He shall be legally or equitably seised as of Freehold for his own Use and Benefit of Lands or Tenements held in free and common Socage, or seised or possessed for his own Use and Benefit of Lands or Tenements held in Francalieu or in Roture, within the Province for which he is appointed, of the value of Four thousand Dollars, over and above all Rents, Dues, Debts, Charges, Mortgages, and Incumbrances due or payable out of or charged on or affecting the same ; 30

“ (4) His Real and Personal Property shall be together worth Four Thousand Dollars over and above his Debts and Liabilities ;

“ (5) He shall be resident in the Province for which he is appointed ;

“ (6) In the case of Quebec he shall have his Real Property Qualifications in the Electoral Division for which he is appointed, or shall be resident in that Division.”

pp. 20-22.

p. 22, l. 15.

7. Throughout the sections dealing with the Senate (Sections 21 to 36 inclusive), Senators are referred to by the pronouns “ he,” “ him ” and “ his,” and Section 32 provides that “ When a vacancy happens in the 40
Senate by resignation, death, or otherwise, the Governor-General shall by summons to a fit and qualified person fill the vacancy.”

8. In certain respects irrelevant to this appeal the said sections have been modified consequent upon the admission into Canada and the creation since 1867 of new provinces. p. 36, l. 23.
p. 53, l. 8.
p. 54, l. 4.

9. The word "person" or "persons" is also used in Sections 11, 14, 41, 42, 63, 75, 83, 84, 89, 93, 127, 128 and 133 of the British North America Act relating (*inter alia*) to the constitution of the Privy Council (Section 11), the appointment of deputies of the Governor-General (Section 14), the qualifications and disqualifications of members of and voters at elections for the House of Commons (Sections 41 and 42), the constitution of the Executive Councils of Ontario and Quebec (Section 63), the constitution of the Legislative Council of Quebec (Section 75), the qualifications and disqualifications of members of and voters at elections for the Legislative Assemblies of Ontario and Quebec (Sections 83 and 84), the privileges with respect to denominational schools of any class of persons (Section 93), provincial Legislative Councillors becoming Senators (Section 127), persons authorised to administer oaths to members of Senate and of House of Commons (Section 128), and the use of the English and French languages in Parliament and elsewhere (Section 133). Particular reference should be made to the provisos to Sections 41 and 84 (continuing the existing laws relative to "the qualifications and disqualifications of persons to be elected" and to voters), and to Sections 83, 128 and 133. The proviso to Section 41 is as follows:—

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pp. 19-32.
p. 19, l. 20.
p. 19, l. 47.
p. 23, l. 19.
p. 26, l. 19.
p. 27, l. 33.
p. 28, l. 24.
p. 32, l. 14.
p. 32, l. 35.
p. 23, l. 31.
p. 29, l. 3.
p. 28, l. 24;
p. 32, l. 23;
p. 32, l. 35.

"Provided that, until the Parliament of Canada otherwise provides, at any Election for a Member of the House of Commons for the District of Algoma, in addition to Persons qualified by the Law of the Province of Canada to vote, every male British subject, aged Twenty-one Years or upwards, being a householder, shall have a Vote." p. 23, l. 31.

The proviso to Section 84 is as follows:—

30 "Provided that, until the Legislature of Ontario otherwise provides, at any Election for a Member of the Legislative Assembly of Ontario for the District of Algoma in addition to persons qualified by the Law of the Province of Canada to vote, every Male British Subject, aged twenty-one years or upwards, being a householder, shall have a vote." p. 29, l. 3.

The first paragraph of Section 133 is as follows:—

40 "133. Either the English or the French language may be used by any Person in the Debates of the Houses of Parliament of Canada and of the Houses of the Legislature of Quebec; and both those Languages shall be used in the respective Records and Journals of those Houses; and either of those Languages may be used by any Person or in any Pleading or Process in or issuing from any Court of Canada established under this Act, and in or from all or any of the Courts of Quebec." p. 32, l. 35.

- p. 15, l. 37. **10.** By Section IV of Lord Brougham's Act 1850, which was in force at the time of the passing of the British North America Act, it is provided :—
 “ Be it enacted, That in all Acts Words importing the Masculine Gender shall be deemed and taken to include Females, and the Singular to include the Plural, and the Plural the Singular, unless the contrary as to Gender or Number is expressly provided ” ;
- p. 39, l. 13. and by Section 1, Sub-section (1) of the Interpretation Act 1889 (which repealed Lord Brougham's Act)—
 “ . . . in every Act passed after the year one thousand eight hundred and fifty whether before or after the commencement of this 10 Act, unless the contrary intention appears, words importing the masculine gender include females.”
- p. 41. **11.** In 1849 the Province of Canada enacted an Interpretation Act
 p. 42, l. 1. (12 Vic. cap. 10) containing a provision similar to Section IV of Lord Brougham's Act above quoted. By statute of the said Province of the same
 p. 42. year (12 Vic. cap. 27) the Acts relating to the representation of the people in the Legislative Assembly of the Province were amended and consolidated, and by Section XLVI it was provided :—
 “ And be it declared and enacted, that no woman is or shall be entitled to vote at any such election, whether for any County or 20 Riding, City or Town.”
- p. 48, l. 27. The Revised Statutes of Nova Scotia (second series) 1859, cap. 1, contain a
 p. 49. similar Interpretation Clause, Section 7. By the same Statutes, Title II, cap. 5, the right to vote and to be a candidate for the Legislative Assembly is limited to male persons.
- p. 54, l. 30. **12.** By Statutes of Canada 1918, 8-9 George V, cap. 20, and 1920,
 p. 55, l. 44. 10-11 George V, cap. 46, Section 38, female persons are given the right to vote and to be candidates at a Dominion election, and a female person has been elected and now sits as a member of the House of Commons.
- p. 33. **13.** By the British North America Act 1871 the Parliament of Canada 30 was authorised to establish new provinces in any territories forming for the time being a part of the Dominion of Canada, and at the time of such establishment to make provision for the constitution and administration of such provinces and for the passing of laws for the peace, order and good government of such province and for its representation in Parliament.
- p. 53. **14.** The Alberta Act, Statutes of Canada 1905, 4-5 Edward VII, cap. 3 (Sections 3 and 8) making provision for the Constitution of the Province of Alberta provides :—
 p. 53, l. 36. Section 3. “ The provisions of the British North America Acts, 1867 to 1886, shall apply to the Province of Alberta in the

same way and to the like extent as they apply to the provinces heretofore comprised in the Dominion, as if the said Province of Alberta had been one of the provinces originally united, except in so far as varied by this Act and except such provisions as are in terms made, or by reasonable intendment may be held to be, specially applicable to or only to affect one or more and not the whole of the said provinces.

10 Section 8. "The Executive Council of the said province shall be composed of such persons, under such designations, as the Lieutenant-Governor from time to time thinks fit." p. 54, l. 8.

15. By Statutes of Alberta, 1916, 6-7 George V, cap. 5, women were given the right to vote at elections of members to serve in the Legislative Assembly and to be elected as members of the said Assembly, but there has been no change in the statutory provisions relating to the composition of the Executive Council in the said Province. Women have been elected as members of the Legislative Assembly of the said Province and a woman has been and is now a member of the Executive Council of the said Province. There has been similar legislation in all the other provinces of Canada, save the Province of Quebec. p. 60, l. 18.

20 16. The reference was argued before the Supreme Court on the 14th March 1928. Counsel for the Appellants contended that the word "persons" in Section 24, includes female persons. Counsel for the Attorney-General of Alberta supported the Appellants' contention. Counsel for the Attorney-General of Canada contended that the word "persons" is limited to male persons and counsel for the Attorney-General of Quebec supported that contention. The Attorneys-General for the other provinces of Canada were duly notified but did not appear on the argument of the reference.

30 17. The Chief Justice of Canada in his Reasons for Judgment, in which Mr. Justice Lamont and Mr. Justice Smith concurred, held that by the common law of England women were under a legal incapacity to hold public office and that Parliament, which, when contemplating a striking constitutional departure from the common law, is never at a loss for language to make its intention unmistakable, had, by clear implication, excluded women from membership in the Senate. The word "persons" *prima facie* includes women, but the preceding word "qualified" (a reference to the qualifications specified in Section 23) excludes women because the terms of Section 23 import that men only are eligible for appointment. The Chief Justice referred to the masculine pronouns—"he" and "his"—and cited 40 *Frost v. The King*, reported in [1919], 1 Irish Reports, page 81. Furthermore, Clause 2 of Section 23 includes only "natural-born" subjects and those "naturalised" under statutory authority, and not those who become subjects by marriage—a provision which one would have looked for had it

been intended to include women as eligible. Dealing with arguments raised by counsel for the present Appellants, the Chief Justice held that the adjective "qualified" was a conclusive answer to the argument based on the wider signification of the word "persons" in other sections, nor did the Interpretation Act or Lord Brougham's Act (which was treated as the material Act) have any application, as "persons" is not a word importing the masculine gender.

Chorlton v. Lings, reported in Law Reports, 4 Common Pleas, page 374, is conclusive against the Appellants alike on the question of the common law incapacity of women to exercise such public functions as those of a member of the Senate of Canada, and on that of their being expressly excluded from the class of "qualified persons" by the terms in which Section 23 is couched.

Dealing with Section 11, which provides for the constitution of a new Privy Council for Canada, the Chief Justice expressed the opinion that "the word 'persons,' though unqualified, is probably used in the more restricted sense of 'male persons.' For the public offices thereby created women were, by the common law, ineligible and it would be dangerous to assume that by the use of the ambiguous term 'persons' the Imperial Parliament meant in 1867 to bring about so vast a constitutional change affecting Canadian women, as would be involved in making them eligible for selection as Privy Councillors."

pp. 50-58. **18.** The Judgment of Mr. Justice Duff is summarised in paragraphs 20 and 21.

p. 59. Mr. Justice Mignault concurred generally in the reasoning of the Chief Justice, and held the case covered by the authority of *Chorlton v. Lings*.

Appendix.

p. 21, l. 22.
p. 20, l. 47. **19.** The Appellants respectfully submit that the word "qualified" as used in Section 24, refers to the qualifications set out in the preceding Section 23, and that the interpretation which the Chief Justice of Canada and the learned judges who concurred with him placed upon the word "qualified" is erroneous and cannot be supported; and that the Chief Justice and learned judges wrongly applied the authorities cited by them. In particular the Appellants submit that the reasoning of the Chief Justice was erroneous in the following respects:—

(A) The case of *Frost v. The King* reported in [1919] 1 Irish Reports, p. 81, is no authority for saying that the masculine pronoun in Section 23 imports that men only are eligible for appointment. Mr. Justice Ronan at page 90 points out that Lord Brougham's Act changed the presumption from a presumption that a word importing the masculine gender excludes females to a presumption

that females are included ; and the decision rested on the effect of Statutes of 1827 and 1840 to which the old rule of construction applied.

10 (B) In his Reasons for Judgment the Chief Justice assumes that by common law a wife took her husband's nationality on marriage. On the contrary the rule was "*Nemo potest exuere patriam,*" and only by virtue of Section 16 of the Aliens Act 1844 (7 & 8 Vic. cap. 66) was any woman who marries a natural-born or naturalised British subject deemed and taken to be herself naturalised. Accordingly Clause (2) of Section 23 uses language apt to cover the case of those who become British subjects by marriage.

p. 21, l. 1.

20 (C) No striking constitutional departure from the common law is involved if "persons," in Section 24, includes female persons, since Section 24 does not confer any right on "qualified persons." Membership of the Senate depends on a summons issued by the Governor-General acting on the advice of his ministers. The fact that in 1867 the issue of a summons to a female person would not have been within the contemplation of Parliament does not militate against the Appellants' contention that Parliament did not intend to use the word "persons" in Section 24 in the definitely restrictive sense of "male persons" in contradistinction to its general use elsewhere in the Act.

p. 21, l. 22.

30 (D) The Quebec resolutions form the basis of the British North America Act. The Act was framed with due regard to the relevant existing Canadian legislation and to meet Canadian conditions. The legislation in the Provinces of Canada and Nova Scotia respectively shows that both legislatures, having regard to the provisions of their respective Interpretation Acts, considered the word "persons" in Acts relating to voting for membership in the legislative assembly, included both male and female persons and expressly limited such rights to male persons, and in the British North America Act, where Parliament intended to restrict the word "persons" to male persons it expressly so provided. (See provisos to Sections 41 and 81.)

p. 23, l. 31.
p. 29, l. 3.

40 (E) The case of *Chorlton v. Lings* reported in Law Reports, 4 Common Pleas, page, 374 was decided solely on the language of the Representation of the People Act 1867. That Act entitled "every man" with certain qualifications and "not subject to any legal incapacity" to be registered as a voter. Legal incapacity was not defined by the Act and for that reason only reference was necessary to the common law disabilities of women. The alternative ground of the decision was that, as the Act by its terms was to be construed as one with earlier Acts (notably the Reform Act 1832)

where the term "male person" was used, the word "man" did not import the feminine gender. Both grounds rested entirely on the wording of the Act and not on extraneous circumstances.

(F) *Chorlton v. Lings*, and similar cases cited interpreting domestic statutes relating to the franchise, are not applicable to the construction of such a statute as the British North America Act, creating the constitution of a new nation with legislative bodies having plenary powers. The question is not one of the granting or withholding of the franchise but of the granting or withholding of executive and legislative powers. 10

(G) The reasoning of the Chief Justice constrained him to hold that the word "persons" as used in Section 11 relating to the constitution of the Privy Council for Canada was limited to "male persons" with the resultant anomaly that a woman might be elected a member of the House of Commons, but could not be summoned by the Governor-General as a member of the Privy Council. Such a constitution would not be "similar in principle to that of the United Kingdom," and it is submitted that such an interpretation is contrary to the real intent of the British North America Act.

19, l. 20.

Record.

p. 50-58.

20. The contentions of the Appellants on these points are supported 20 by the Reasons for Judgment of Mr. Justice Duff. Having reviewed the general character and purpose of the British North America Act and examined the contentions for the narrow construction of the word "persons," Mr. Justice Duff pointed out that there are three general lines of policy which the authors of the British North America Act might have pursued in relation to the common law incapacity of women, namely, to perpetuate the incapacity, to remove the incapacity, and to leave it to the Dominion Parliament or provincial legislatures to remove or to retain the incapacity. The word "persons" in Section 24 is consistent with any of these lines of policy. In Sections 41 and 84 "persons" includes women, 30 as also in Sections 11 and 133. Such general inferences therefore as may arise from the language of the Act as a whole cannot be said to support a presumption in favour of the restricted interpretation. Turning to the reasoning based on the common law disabilities of women, Mr. Justice Duff doubted its applicability to the British North America Act. In 1867 it would have been a revolutionary step to appoint a woman to the Privy Council or to an Executive Council in Canada, or to make women eligible to the House of Commons or provincial legislatures or councils, yet it is quite plain, with respect to all these matters, that the fullest authority was given, and given in general terms, to Parliament and the legislatures. 40 The value of the reasoning based on the "extraneous facts" becomes inconsiderable when compared with reasons deriving their force from the presumption that the Constitution in its executive branch was intended

to be capable of adaptation to whatever changes in the law and practice relating to the election branch might be progressively required by changes in public opinion.

21. On a special ground, however, Mr. Justice Duff answered the question referred to in the negative. Although attaching no importance to the use of the masculine personal pronoun in Section 23, he thought that Sub-section (3) points to the exclusion of married women, and, from examining the constitution of the Legislative Councils under Acts of 1791, 1840 and 1854, he drew the inference that the British North America Act contemplated a second chamber similar to those provided by the Acts of 1791 and 1840, the constitution of which should in all respects be fixed and determined by the Act itself. This constitution was to be in principle the same, though necessarily, in detail, not identical, with that of the second Chambers established by the earlier statutes, and under those statutes women were not eligible for appointment.

p. 57, l. 45.

Appendix.

p. 21, l. 8.

p. 7, l. 12;

p. 12, l. 24;

p. 16, l. 38.

22. The Appellants respectfully submit that the reasoning of Mr. Justice Duff was erroneous in the following respects:—

(A) The language of Sub-section (3) of Section 23 does not point to the exclusion of married women. A married woman could possess the property qualification required by this sub-section. Apart from statute a married woman could be equitably seized of freehold property for her own use and benefit and by an Act respecting certain separate rights of property of married women, Consolidated Statutes of Upper Canada, cap. 73, Section 1, it was provided:—

p. 21, l. 8.

“Every woman, who has married since the Fourth day of May, one thousand eight hundred and fifty-nine, or who marries after this Act takes effect, without any marriage contract or settlement, shall and may, notwithstanding her coverture, have, hold and enjoy all her real and personal property, whether belonging to her before marriage, or acquired by her by inheritance, devise, bequest or gift, or as next of kin to an intestate or in any other way after marriage, free from the debts and obligations of her husband and from his control or disposition without her consent, in as full and ample a manner as if she continued sole and unmarried, any law, usage or custom to the contrary notwithstanding; but this clause shall not extend to any property received by a married woman from her husband during coverture.”

(B) At the date of the passing of the British North America Act 1867, the qualifications of the persons capable of being appointed or elected as members of the legislative council of the Province of Canada were those enacted by the legislature of the said province

p. 42.

p. 16.

in 1856, pursuant to the power expressly given to the province by the Union Act Amendment Act of 1854. The legislative council so established in 1856 was different from those established by the Act of Union of 1840, mainly, in that :—

(1) It was an elected and not an appointed body.

(2) Each member was required to have a certain property qualification.

(3) Selection of members was made from the several electoral divisions of the province instead of being made at large.

p. 21, l. 8.

The Senate, as constituted by the British North America Act 1867, is an appointed body, but in other respects resembles the legislative council existing in Canada immediately prior to passing the British North America Act rather than the legislative council as constituted by the Act of Union. Each senator is required to have a minimum property qualification. 10

Canada, in relation to the constitution of the Senate, is divided into three divisions to be equally represented in the Senate, and, in the case of Quebec, each of the twenty-four senators representing the province is appointed from one of the twenty-four electoral divisions of the province. 20

It is submitted that the clauses of the British North America Act 1867 relating to the constitution of the Senate, follow generally the structure and phraseology of the Canadian Enactment of 1856 rather than the Imperial Acts of 1791 and 1840 ; and that, just as under the Union Act Amendment Act of 1854, there was no prohibition against the inclusion of women in the membership of the legislative councils of Canada, so, by the British North America Act of 1867, there is no prohibition against the summoning of a woman to the Senate of Canada.

(c) There is no sound reason for holding that the word "person" as used in Section 23 is limited to "male person" while holding that the word "person" as used in other sections of the British North America Act is used in its natural meaning and includes both male and female persons. 30

Record.

p. 58, l. 14.

Appendix,
p. 22, l. 18.

23. Mr. Justice Duff concedes that under Section 33 of the British North America Act, supplemented by Section 1 of the Confederation Amendment Act of 1875, and by Section 4, Chapter 10, R.S.C. 1927, "the Senate possesses sole and exclusive jurisdiction to pass upon the claims of any person to sit and vote as a member thereof, except in so far as that jurisdiction is affected by Statute . . . and the jurisdiction of the Senate is not confined to the right to pass upon questions arising as to qualification under Section 33," and that if a woman were summoned 40

by the Governor-General to the Senate the Senate could determine that she was entitled to be seated. It is submitted that in the foregoing Mr. Justice Duff has correctly interpreted the provisions of the British North America Act relating to the Senate, and that therefore "person" as used in Section 23 must include a female person, otherwise the Senate could not so determine.

24. The Appellants further submit that the position in Canada prior to Confederation in reference to women voting was different from that in Great Britain and that arguments based upon conditions in Great Britain are not applicable to the construction of the British North America Act. It is clear that as far back as 1820 women in Canada had voted at elections for members of the Legislative Assembly, and the development of the common law in reference to the eligibility of women for appointment to public offices has not been the same in Canada as in Great Britain. *Rex v. Cyr*, 1917, 2 Western Weekly Reports, 1185; in appeal, 1917, 3 Western Weekly Reports 849.

If women at common law were under a legal incapacity to hold public office, and consequently were not eligible for appointment to the Senate in 1867, that disability can be removed in Canada by appropriate legislation on the part of the Dominion and the provinces respectively, and once such legal incapacity is removed a woman becomes eligible for appointment to the Senate.

25. The Appellants further submit that the Imperial Parliament did not withdraw from the control of the Executives, the Parliament and the Legislatures created by the British North America Act, the right to determine whether women should or should not be eligible for any or all public offices, and that in framing the Canadian Constitution they conferred upon the Executives, the Parliament and the Legislatures so created, full power and authority to deal with such matters.

26. The Appellants humbly submit that the judgment of the Supreme Court of Canada is wrong and should be reversed and that the question should be answered in the affirmative, for the following, amongst other

REASONS.

- (1) Because the word "persons" in its ordinary sense includes female persons.
- (2) Because the word "persons" is used in sections other than Section 24, and in such other sections includes female persons.

- (3) Because no intention is apparent to restrict the word "persons" in Section 24 to male persons, since, by the Interpretation Act, the use of the masculine personal pronoun indicates no such intention.
- (4) Because the cases held by the Supreme Court to be conclusive against the Appellants' contentions when properly read are not applicable.
- (5) Because, for the reasons given by Mr. Justice Duff, the Supreme Court should have rejected the arguments based on the common law incapacity of women. 10
- (6) Because the use of the word "persons" in Section 24 to include female persons is not a striking constitutional departure, but is in accordance with the general tenor of the British North America Act.
- (7) Because under Section 33 the Senate has power to seat women summoned by the Governor-General as a Senator, the word "persons" therefore must include female persons.

N. W. ROWELL.

FRANK GAHAN. 20

In the Privy Council.

No. 121 of 1928.

On Appeal from the Supreme Court of Canada.

IN THE MATTER of a Reference to the meaning of the word "persons" in Section 24 of the British North America Act, 1867.

BETWEEN

HENRIETTA MUIR EDWARDS,
NELLIE L. McCLUNG, LOUISE
C. McKINNEY, EMILY F.
MURPHY and IRENE PARLBY *Appellants*

AND

THE ATTORNEY-GENERAL
FOR THE DOMINION OF
CANADA, THE ATTORNEY-
GENERAL FOR THE PRO-
VINCE OF QUEBEC and THE
ATTORNEY - GENERAL FOR
THE PROVINCE OF ALBERTA *Respondents.*

CASE OF THE APPELLANTS.

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