

*In the
Supreme
Court of
Canada.*

No. 8.
Factum
of the
Attorney-
General of
Quebec—
continued.

If it was the intention to include any females under the word "persons" a necessary distinction between the two classes would have been made with provision accordingly.

The same considerations must apply and with even greater force with regard to the qualifications in section 23 and the provisions for the vacating of the place of a senator in section 31.

It must be doubtful if in the year 1867 any married woman could strictly have the property qualification or be able to make the declaration in the Fifth Schedule to the Act.

All sorts of difficulties may be presented under section 31, for instance, 10
a woman may become the subject or citizen of a foreign power if her husband does so.

For the above and other reasons to be presented at the argument, the Attorney General of Quebec submits that the question referred should be answered in the negative.

CHARLES LANCTOT.
AIMÉ GEOFFRION.

No. 9.
Formal
Judgment,
24th April,
1928.

No. 9.

Formal Judgment.

IN THE SUPREME COURT OF CANADA.

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Tuesday, the twenty-fourth day of April, A.D. 1928.

Present :

The Right Honourable FRANCIS ALEXANDER ANGLIN, P.C., Chief Justice.

The Right Honourable Mr. JUSTICE DUFF, P.C.

The Honourable Mr. JUSTICE MIGNAULT.

The Honourable Mr. JUSTICE LAMONT.

The Honourable Mr. JUSTICE SMITH.

In the matter of a Reference with respect to the meaning to be assigned to the word "Persons" in section 24 of the British North America Act 1867. 30

Whereas by Order-in-Council of His Majesty's Privy Council for Canada bearing date the nineteenth day of October in the Year of Our Lord One Thousand Nine hundred and Twenty-seven "P.C. 2034," the question hereinafter set out was referred to the Supreme Court of Canada for hearing and consideration pursuant to section 60 of the Supreme Court Act, namely—

Does the word "Persons" in section 24 of the British North America Act 1867 include female persons?