

## LEADING CASES IN CANADIAN CONSTITUTIONAL LAW

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ATTORNEY-GENERAL FOR ONTARIO v.  
ATTORNEY-GENERAL FOR THE DOMINION.

*(Supreme Court References Case).*

[1912] A. C. 571.

The Dominion Supreme Court Act contains an enactment that important questions of law or fact touching the interpretation of the British North America Act, 1867, the powers of the Parliament of Canada, or of the provincial legislatures, or any other matter with regard to which the Governor-General in Council sees fit to submit any such question, may be referred by him to the Supreme Court of Canada for hearing and consideration.

The Privy Council had to decide in the above case whether the Dominion parliament had power so to enact; and in deciding that it had, they lay down the following fundamental principles of interpretation of our great constitutional statute:—

“In the interpretation of a completely self-governing Constitution founded upon a written organic instrument, such as the British North America Act, if the text is explicit, the text is conclusive alike in what it directs, and what it forbids. When the text is ambiguous, as for example, when the words establishing two mutually exclusive jurisdictions are wide enough to bring a particular power within either, recourse must be had to the context and scheme of the Act. Again, if the text says nothing expressly, then it is not to be