

(Transcript of the Shorthand notes of Marten, Meredith & Co., 8 New Court, Carey Street, W.C.)

Counsel for the Appellants: The Rt. Hon. Sir R. Finlay, K.C., Mr. W. Nesbitt, K.C., Mr. A. Geffrion, K.C., and Mr. Geoffrey Lawrence. (Instructed by Messrs. Blake & Redden).

Counsel for the Attorney-General for Canada: Mr. E. L. Newcombe, K.C., and Mr. A. W. Atwater, K.C. (Instructed by Messrs. Chas. Russell & Co.).

Solicitors for the Attorney-General for British Columbia: Messrs. Gard, Rook & Co.

Sir ROBERT FINLAY: My Lords, this is an appeal brought by the Attorneys-General of the Provinces of Ontario, Quebec, Nova Scotia, New Brunswick, Manitoba, Prince Edward Island and Alberta, against the decision of the Supreme Court by a majority to hear and decide on a reference of certain questions to them under the Judicature Act of the Dominion.

The Province of British Columbia, your Lordships will see, is not an Appellant, but is entered as a Respondent. I believe no one appears for the Province of British Columbia on the present occasion.

Mr. NEWCOMBE: No.

Sir ROBERT FINLAY: A letter has been written by the agents for the Province of British Columbia saying that their attitude is that they object to any such reference without consent of the Provinces interested. Our contention goes further than that. We not only share that view with British Columbia, but we say that the reference is in itself unconstitutional.

The motion, my Lords, which was decided by the Supreme Court and to which this appeal relates will be found at page 7 of the Record. This is the notice of Motion:

In the matter of certain references 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.