

*In the
Supreme
Court of
Canada.*

No. 1.
Order of
Reference
by the
Governor
General
in Council—
continued.

The Minister observes that by section 24 of the British North America Act, 1867, it is provided that:—

“ 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 be a Member of the Senate and a Senator.”

In the opinion of the Minister the question whether the word “ Persons ” in said section 24 includes female persons is one of great public importance.

The Minister states that the law officers of the Crown who have considered this question on more than one occasion have expressed the view that male persons only may be summoned to the Senate under the provisions of the British North America Act in that behalf.

The Minister, however, while not disposed to question that view, considers that it would be an Act of justice to the women of Canada to obtain the opinion of the Supreme Court of Canada upon the point.

The Committee therefore, on the recommendation of the Minister of Justice, advise that Your Excellency may be pleased to refer to the Supreme Court of Canada for hearing and consideration the following question:—

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

E. J. LEMAIRE,

Clerk of the Privy Council.

No. 2.
Order for
Inscription
of Reference
and Direc-
tions.
29th Octo-
ber, 1927.

No. 2.

Order for Inscription of Reference and Directions.

IN THE SUPREME COURT OF CANADA

BEFORE THE HONOURABLE MR. JUSTICE NEWCOMBE

SATURDAY, the 29th day of October, A.D. 1927.

IN THE MATTER of a reference as to the meaning of the word “ persons ” in section 24 of the British North America Act, 1867.

Upon the application of the Attorney-General of Canada for directions as to the inscription for hearing of the case relating to the above question referred by His Excellency the Governor General, for hearing and consideration by the Supreme Court of Canada under the provisions of section 60 of the Supreme Court Act, and upon hearing read the Order in Council of the 19th October, 1927, (P.C. 2034), setting forth the said question, referred upon the prayer of the petition in the said Order in Council mentioned, upon reading the affidavit of Charles P. Plaxton filed herein, and upon hearing what was alleged by counsel for the applicant: