

Reports and Notes of Cases.

England.

JUDICIAL COMMITTEE OF THE PRIVY COUNCIL.

Lord Chancellor Haldane, Lord Moulton,
Lord Sumner, Sir Chas. Fitzpatrick,
Sir Joshua Williams.]

[November, 1914.
18 D.L.R. 353.]

JOHN DEERE PLOW CO. v. WHARTON.

1. *Constitutional law—Construction—Application of federal constitution to provinces—Self-executing provisions—B.N.A. Act.*

The British North America Act being founded upon a political agreement, the judicial interpretation of sections thereof stating the distribution of legislative power between the provinces and the Dominion should be limited to concrete questions which are in actual controversy from time to time without entering upon a general interpretation of the Act, the form of which shews that it was intended to leave the interpretation of seemingly conflicting provisions to practice and judicial decision.

Citizens v. Parsons, 7 A.C. 109, and *Attorney-General v. Colonial Sugar Refining Co.*, [1914] A.C. 254, applied.

2. *Constitutional law—Federal and provincial rights—"Civil rights in the province"—Construction of B.N.A. Act.*

The expression "civil rights in the province" as used in the confirming of provincial powers in sec. 92 of the British North America Act is to be construed as excluding cases expressly dealt with elsewhere in secs. 91 and 92.

3. *Corporations and companies—Franchises—Federal and provincial rights to issue—B.N.A. Act.*

The power of legislating with reference to the incorporation of companies in Canada with other than provincial objects belongs exclusively to the Parliament of Canada as a matter affecting the "peace, order and good government of Canada" under sec. 91 of the British North America Act.