

20th June

11th December 1939

W
W

Lord Chancellor (adviser)

Viscount Sankey

" Maughan

Lord Roche

Lord Porter.

D. N. Pitt K.C } for appellants
W. S. Gray K.C }

G. H. Steer K.C. } for Respondents
Frank Graham
John Bigelow }

Frank Graham for A.G. Canada (Intervener)

11 Dec. D. N. Pitt

Bona. Act ^{Secs.} 91, 92.

Explains "outright" of Bona. Dom. process

Chancellor under part of a case

Reads Statement of Appeal.

allotments 1939

Dopts 12

" 11

" 13

Stiles from preparation

1. Real substances
2. If in fact - substances under Sec 91 (Interest 8.19)
that is end of the matter
3. If in fact and substance the legislation
falls under Sec 92 then the Statute
will be good notwithstanding that it in
fact impinges on matters under Sec 91
subject to
4. If Provincial legislation is found to be in
actual conflict with legislation of the Dominion
which deals in fact and substance with any
land under Sec 91 and is therefore void
the Provincial legislation falls after all.

8.13.16 of Sec 92 are 3 in some cases

1937 Chapter 12. 8.13 or 16 of Sec 92 - 16 abandoned

R.S. 1937 C. 102 The Interest Act

Dunkey: What does "Interest" comprehend
Ladon v Bennett 1929 A.C.
Chapter 12 vs. Sec 2 of Int. Act
of free loans

Pitt 2 from revenues

Chapter 11

" 13 in the case

5
2nd Day 12th December

10 am

Prott - continuing

Read judgments in both appeals.

President of ¹⁴ authorities de welle to
refer to from Cameron up to 1939.

Rx v Arcadia 1932 1 WWR 771
Employment Act 1936 3 DLR 644

B.C. v. Can 1937 ac. 368, 377

Stamm v L'Amal 1938 ac. 708.

Limitation of word "Intendant"

Ladoux Bennett 1939 ac.

Lynch v C.N.W. Land 19 SCR. 204 @ 212

Pay v Vidina 1938³ WWR 161

} 1934 1 WWR

} 1929 1 WWR.

Pre Confederation Currency Law

Stat. U. Can. 32 Geo III

51 " " C. 9

Stat. Can 16 Vict. 1852 C. 80

22 Vict. 1858 Ch 85
Com Stats 1859
RSC. 1886 C. 127

Ont. 1939 C. 100 Judicature Act Sec. 33, 35
RSA 1922 C. 155. Partnership Act. Sec 26
1937 RSO. C. 243 Moneylenders Act.

3rd Day - 13th December

Putt continuing

1932 S.C.R. 419 Com. Distillers v Ret
R.S.A. Chap 2. Sec 27(m) Judicature Act
1937 Alta. Stats C. 9 Dist adjustment Act.
1935 Alta C. 8 Sec 3. Limitation Act
(f)
1937 2 WWR Allen

Great Junction v Ross 1937 2 WWR. p. 353
1937 A.C. 391 James Girdlers Amalgamated appeal
1924 A.C. p. 268 Sale of Shares appeal

1937 2 D.L.R. 109 From *Sittingby* appeal *See page*
Riley 5th Edn. 993.

Royal Bank v Rex 1913 a.l. 283 Camera 156

mt Alberta B. Council 1938 a.l. 224

W.C. Brown v CPR 1920 a.c. 184 2 Cam. 150.

Lynch v. C.N.W. Lines 19 S.C.R. @ 212

Municipal Institutions

Sec. 10, 13, 15, 17, 24, 37, 38, 41, 47, 145.

re Chapter 12

Beale 315, 417
3rd Edn

Proderick v Rex 3 S.C.R. 532

re *Acta* Legislation

1938 2 D.L.R. 81

1939 a.c. 117 @ p 130

Ottawa Valley case }
1st *Sittingby* case }

4th Day

14 Dec.

11.5 G. H. Steer

Petition of Right.

12.55 Graham (for af. Edmund)

C. J. v. Attorney 1923 (3) WWR 929

Walker v Walker 48 D.L.R. 1917 p. 7

John Rees v. Rees 1915 ac. 330

J. v. Sarsbery 1921 2 ac 91

Mau v. Lau 1929 ac 260

Valer Langford

1 Car

2 Cases 212

2 Car 576

1.20

Pitt in reply

Lynn v. Lynn
v. Lynn

1932 ac

1.35