

## THE BRITISH NORTH AMERICA ACTS.

The purpose and method of the British North America Act, 1867, are tersely and comprehensively stated by Lord Watson in *Liquidators of the Maritime Bank of Canada v. Receiver-General of New Brunswick*, 1892 A.C., 441-2. His Lordship said:—

‘The object of the Act was neither to weld the provinces into one nor to subordinate provincial governments to a central authority, but to create a federal government in which they should all be represented, entrusted with the exclusive administration of affairs in which they had a common interest, each province retaining its independence and autonomy. That object was accomplished by distributing between the Dominion and the provinces all powers, executive and legislative, and all public property and revenues which had previously belonged to the provinces.’

Bearing in mind the object so stated, let us consider the various statutory provisions by which it is effected, as explained or interpreted by ultimate judicial opinion.

It must not be overlooked in considering the opinions of their Lordships of the Judicial Committee of the Privy Council upon the British North America Acts that their Lordships do not think it advisable to lay down general rules of interpretation. They have intimated that the wiser course is to confine each decision to the questions necessarily arising for determination. Thus in *Hodge v. The Queen*, 9 A. C., 128, Sir Barnes Peacock, delivering the judgment of the Board, said:—

‘Their Lordships do not think it necessary in the present case to lay down any general rule or rules for the construction of the British North America Act. They are impressed with the justice of an observation by Hagarty, C.J., “that in all these