

the powers conferred on the Provinces by this 90th section, are amongst the most important that justify the existence of a Parliament. The Provincial Legislatures are made the participants of the Federal Parliament, 'as if these provisions were here re-enacted' in the power to deal with the people's money; a right which, entrusted for the time being, by the people to their responsible representatives, lies at the root of Parliamentary Government and Free Institutions.

The latter part of the section shows that the powers conferred are part of those exercised by the late Parliament of Canada, and are transmitted unimpaired to the Provincial Legislatures.

It is but right to admit, without discussion, that the Federal Parliament is in possession of larger powers than the Provincial Legislatures. But it may be possible to show that these powers differ more in degree than they do in kind. In attempting to make this comparative similarity apparent, there is no desire to belittle the Parliament of Canada. Such as it is, that Legislature is our own; it represents, in a tentative way, the idea of Nationhood. It is the formative power, shaping out of materials, scattered and disproportioned, something that shall be the embodiment of a vigorous National life; something less than the British Empire, but greater than a Province.

(1). Section 91 of the British North America Act deals with the 'Distribution of Legislative powers.' Under the heading 'Powers of Parliament,' there are enumerated twenty-eight subjects reserved to the Federal Legislature.

Section 92 of the Act enumerates the subjects under the control of the Provincial Legislatures: they are sixteen in number.

For the purposes of comparison, the more important of the subjects reserved to each Legislature will be placed side by side, not in numerical procession, as in the Act, but according to relationship.

FEDERAL POWERS.	PROVINCIAL POWERS.
3. The raising of money by any mode or system of taxation.	2. Direct Taxation within the Province in order to the raising of a Revenue for Provincial purposes.
4. The borrowing of money on the public credit.	3. Borrowing money on the sole credit of the Province.
8. The fixing of and providing for the salaries and allowances of Civil and other officers of the Government of Canada.	4. The establishment and tenure of Provincial offices and the appointment and payment of Provincial officers.
11. Quarantine and the establishment and maintenance of Marine Hospitals.	7. The establishment, maintenance, and management of Hospitals, Asylums, Charities and Eleemosynary Institutions in and for the Province, other than Marine Hospitals.
24. Indians and lands reserved for the Indians.	5. The management and sale of the Public Lands belonging to the Province, and of the Timber and Wood thereon.
26. Marriage and Divorce.	12. The Solemnization of Marriage in the Province.
27. The Criminal Law except the Constitution of the Courts of Criminal Jurisdiction, but including the procedure in Criminal matters.	14. The Administration of Justice in the Province, including the Constitution, Maintenance, and Organization of Provincial Courts, both of Civil and Criminal Jurisdiction, and including Procedure in Civil matters in those Courts.
28. The Establishment, Maintenance, and Management of Penitentiaries.	6. The Establishment, Maintenance, and Management of Public and Reformatory Prisons in and for the Province.

The following are the more important of the remaining Federal and Provincial Powers not placed in comparison above:—

Reserved for the Federal Parliament—

The Regulation of Trade and Commerce.

Postal Service.

Militia, Military, and Naval Service and Defence.

Navigation and Shipping.

Currency and Coinage.