

Senator POULIOT: That is correct, but was it the intention of the law-makers to establish two entirely different and respectively exclusive jurisdictions, on the one hand for the Parliament of Canada, and on the other hand for the provincial legislatures?

Mr. HOPKINS: Except for the special provisions giving joint jurisdiction in certain fields, that was the intention of sections 91 and 92, I think.

Senator POULIOT: The intention of the Fathers of Confederation was expressed in this way: they told the Parliament of Canada, "Mind your own business," and they told the provincial legislatures, "Mind your own business," except in the fields of direct taxation, agriculture and immigration?

Mr. HOPKINS: Well, senator, they did not use those words, but, roughly speaking, that is correct.

Senator POULIOT: That was the lawmakers' intention, apparently?

Mr. HOPKINS: Yes, I would say so.

Senator POULIOT: Well, now, do you not think, Mr. Hopkins, that the definitions that we find in a good dictionary such as Webster's—the acknowledged dictionaries—guide us as to the meanings of words?

Mr. HOPKINS: Well, the works of eminent lexicographers are often referred to in the interpretation of statutes. There are some exceptions and there are some qualifications. I think that Maxwell's 1962 volume on the Interpretation of Statutes contains a very good comment on the dictionary meaning of words.

Senator POULIOT: Naturally, no language has attained such perfection that there will be one word for every shade of expression.

Mr. HOPKINS: That is correct, sir.

Senator POULIOT: And the same word sometimes is used in many senses?

Mr. HOPKINS: That is correct, sir, depending on the context.

Senator POULIOT: Yes, it depends on the context. In the dictionary there are several meanings given for each word and they are usually marked 1, 2, 3, 4 and 5, and sometimes the meanings are different, and there are antonyms given.

Mr. HOPKINS: Yes.

Senator POULIOT: Have you realized in reading sections 91 and 92 particularly, leaving aside completely all the exceptions such as those with respect to education and so on, there is no question of that at the present time.

Mr. HOPKINS: That is right.

Senator POULIOT: Have you taken notice of the fact that the words "exclusive" and "exclusively" are repeated often in sections 91 and 92 of the British North America Act?

Mr. HOPKINS: I have indeed, senator.

Senator POULIOT: You know it?

Mr. HOPKINS: That is right.

Senator POULIOT: Now, will you agree legally with this definition of "exclusive"? It is the meaning that may be used probably in the interpretation of the above-mentioned sections. "Exclusive" means "2. excluding or inclined to exclude others, especially outsiders". Perhaps we have a better illustration by using what is said about the word "exclude," from which the adjective and the adverb are derivated. "Exclude" strictly implies keeping out what is already outside, and it may be used in reference to persons and things. Do you think that this is the meaning that was given to the word "exclusive" and "exclusively" by the Fathers of Confederation in sections 91 and 92?