

papers regulations and signals of distress regulations, all aircraft even while in or over the territory of the Dominion, thus withdrawing, as regards these particular matters, from any control by Dominion legislation, aircraft, whether Canadian or Foreign even while within Canadian Territory.

Subsection 2 of this section makes clear that in the regards just mentioned, it is intended by the Bill to limit the power of the Parliament of the Dominion, of the legislation of any of its provinces, to make provision in relation to itself or its territory.

The enactment of such limitation is doubtless legally within the power of the Parliament of the United Kingdom. The exercise of that power is, however, I submit unconstitutional.

The proposed legislation, as appears by what is above stated, not only governs all aircraft the property of Canadians whenever they pass beyond the limits of Canada, but furthermore as regards the particular matters of registration, collisions, aircraft papers, and signals of distress, governs and subjects to regulations to be made under its provisions all aircraft, Canadian and foreign, while actually within the Canadian territory.

That, under the provisions of the Canadian Constitutional Acts, all these matters are proper subjects of legislation either by the Parliament of the Dominion, or the legislatures of the provinces, does not appear to be open to question. Indeed as has been pointed out, subsection 2 of Section 23 of the Bill practically concedes that the United Kingdom Parliament in dealing with them, limits the powers conferred upon the legislative bodies of the Dominion. This action constitutes an invasion of Canada's rights as conferred upon her by the Act of 1867 and the different amendments thereto. As such it is open to the gravest objection, which it seems but proper should be brought to the notice of the Imperial Cabinet.

So far as with regard to the particular matters in question it may be deemed desirable that there should be uniformity of law within the Commonwealth, that uniformity can, without difficulty, be brought about by concurrent action of the legislatures of the different parts.

The principle that it is the constitutional right of the self-governing Dominions to legislate exclusively with regard to subjects coming within the purview of the powers conferred upon them is too well established, and too fully recognised, for it to be necessary to insist upon it.

It will doubtless be sufficient to ensure its being respected in the present instance, that attention should be called to the fact that the enactment by the Parliament of the United Kingdom of the provisions above referred to, would be a violation of that principle.

Yours etc.

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