

addressed to the first Minister of Canada, and to the respective heads of the Local Governments of Ontario, Quebec, New Brunswick and Nova Scotia :—

COMMITTEE ROOM,
House of Commons, March, 1868.

"SIR,—I am directed by the Standing Committee of the House of Commons on Immigration and Colonization, to submit to you the following clause of the 'British America Act,' and to respectfully invite your reply to the question appended thereto."

(Here was quoted the 95th clause of the "British America Act," as above.)

"Will you be good enough to inform the Committee of the general view of the Dominion (or Local) Government as to the division of powers between the Local and General Governments under the above clause."

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By order of the Chairman.

(Signed,)

SAMUEL WATTS,

Clerk to Committee.

To this circular the Attorneys General of Ontario and Nova Scotia, respectively, have replied as follows :—

HOUSE OF COMMONS,
Ottawa, April 1st, 1868.

"SIR,—I have to acknowledge the receipt of your letter of yesterday's date, in which I am requested to state, for the information of the Committee on Immigration and Colonization, the general view of the Ontario Government as to the division of powers between that and the Dominion Government, under the clause 95 of the 'British North America Act of 1867.' I have to state, in reply, that that question, together with others touching the jurisdiction of the Ontario Legislature, has not been discussed by the Government.

"I am, Sir,

"Your obedient servant,

(Signed,)

"J. S. MACDONALD."

"Mr. Samuel Watts,

"Clerk to Committee of Immigration and Colonization."

"ATTORNEY GENERAL'S OFFICE,

"Halifax, N. S., April 6th, 1868.

"SIR,—I have to acknowledge the receipt of yours of the 31st ult., and, in reply, would observe, on the 95th clause of the British North America Act, that the construction it bears is that the Local Legislature in each Colony may make laws to regulate agriculture within, and immigration into, the Colony.

"It confers, concurrently, a general power of legislation on the Dominion Parliament, as to the agriculture of, and immigration into, the Confederacy, or any part of it; with a proviso, that should there happen any conflict or repugnancy between the laws of the Dominion Parliament and those of one of the Local Legislatures on these subjects, the laws of the Dominion Parliament should supersede—quoad the repugnancy those of the Local Legislatures.

"To illustrate this, I will suppose that the Dominion Parliament, finding that a discordant Confederation tended to discourage immigration into some of the Provinces, enacted that no duty or head money should be imposed upon or demanded of persons immigrating into any of the Confederate Colonies; and let us suppose that the Legislature of Nova Scotia, finding that her inexhaustible mines were creating a great influx of population, and that there was a correspondingly great efflux of the revenue arising from the increased consumption, constantly replenishing the Canadian Treasury, while her own public chest was empty, thought proper to impose a duty of \$2.00 a head on immigrants; this legislation, being repugnant to the Act of the Dominion Parliament, would, if the British North American Act were constitutionally binding in Nova Scotia, be void, and we should