

*ASSIMILATION OF PROVINCIAL LAWS.*

As we have on a former occasion pointed out, The Confederation Act expressly contemplates this assimilation of Provincial laws in the English-speaking Provinces, but this is a sphere of legislation in which as yet, during the 30 years which have elapsed since Confederation took effect, practically nothing has been done. The statesmen of the past may, perhaps, be excused the neglect with which they have treated this subject. They have had a new constitution to mould and put into working order, and may have thought that any such scheme as the assimilation of Provincial laws, might very well be allowed to wait "a more convenient season." But the question is deserving of consideration whether the time has not now arrived when the serious attention of practical statesmen ought not to be turned to this subject and a scheme evolved for carrying it into effect.

The method by which the Confederation Act proposes to bring about a uniformity of law in the Provinces of Ontario, New Brunswick and Nova Scotia, is for the Dominion Parliament to pass an Act making provision for the uniformity of all or any of the laws in those Provinces relative to property, or civil rights, and of the procedure of all or any of the courts in those three provinces, "and from and after the passing of any Act in that behalf the power of the Parliament of Canada to make laws in relation to any matter comprised in any such Act shall notwithstanding anything in this Act, be unrestricted," but any Act of the Dominion making provision for such uniformity of law is not to have any effect in any Province until adopted by the Local Legislature thereof. See B.N.A. Act, s. 94.

The effect of this provision seems to be that if a Province were once to adopt a Dominion Act making provision for the uniformity of law on any particular subject, the power of legislation on that particular branch of law would thereafter be forever transferred from the Local to the Dominion Parliament. It is possible that the jealousy of any interference with the Provincial powers of legislation which undoubtedly