

mons, to make laws for the Peace, Order, and good Government of Canada, in relation to all matters not coming within the classes of subjects by this Act assigned exclusively to the Legislatures of the Provinces; and for greater certainty, but not so as to restrict the generality of the foregoing terms of this Section, it is hereby declared that (notwithstanding anything in this Act) the exclusive Legislative Authority of the Parliament of Canada extends to all matters coming within the classes of subjects next hereinafter enumerated, that is to say:—

1. The Public Debt and Property. 2. The Regulation of Trade and Commerce. 3. The raising of money by any mode or system of Taxation. 4. The borrowing of money on the Public Credit. 5. Postal Service. 6. The Census and Statistics. 7. Militia, Military and Naval Service and Defence. 8. The fixing of and providing for the salaries and Allowances of Civil and other Officers of the Government of Canada. 9. Beacons, Buoys, Light Houses, and Sable Island. 10. Navigation and Shipping. 11. Quarantine and the Establishment and Maintenance of Marine Hospitals. 12. Sea Coast and Inland Fisheries. 13. Ferries between a Province and any British or Foreign Country or between two Provinces. 14. Currency and Coinage. 15. Banking—Incorporation of Banks and the issue of paper money. 16. Savings Banks. 17. Weights and Measures. 18. Bills of Exchange and Promissory Notes. 19. Interest. 20. Legal Tender. 21. Bankruptcy and Insolvency. 22. Patents of Invention and Discovery. 23. Copy Rights. 24. Indians and Lands reserved for the Indians. 25. Naturalization and Aliens. 26. Marriage and Divorce. 27. The Criminal Law, except the Constitution of Courts of Criminal Jurisdiction, but including the procedure in criminal matters. 28. The establishment, maintenance, and management of Penitentiaries. 29. Such Classes of Subjects as are expressly excepted in the Enumeration of the Classes of Subjects by this Act assigned exclusively to the Legislatures of the Provinces.

And any Matter coming within any of the Classes of Subjects enumerated in this Section shall not be deemed to come within the class of matters of a local or private nature comprised in the enumeration of the classes of subjects by this Act assigned exclusively to the Legislatures of the Provinces.

#### Exclusive Powers of Provincial Legislatures.

52. In each Province, the Legislature may exclusively make laws in relation to matters coming within the classes of subjects next hereinafter enumerated, that is to say:

(1) The amendment from time to time, notwithstanding anything in this Act, of the Constitution of the Province, except as regards the office of Lieutenant Governor. (2) Direct Taxation within the Province in order to the raising of a revenue for Provincial purposes. (3) The borrowing of money on the sole credit of the Province. (4) The establishment and tenure of Provincial offices and the appointment and payment of Provincial officers. (5) The management and sale of the public lands belonging to the Province, and of the Timber and Wood thereon. (6) The establishment, maintenance and management of public and reformatory prisons in and for the Province. (7) The establishment, maintenance and management of hospitals, asylums, charities and eleemosynary institutions in and for the Province (other than marine hospitals). (8) Municipal institutions in the Province. (9) Shop, saloon, tavern, auctioneer, and other licenses in order to the raising of a revenue for provincial, local or municipal purposes. (10) Local Works and undertakings other than such as are of the following classes:—a. Lines of Steam or other Ships, Railways, Canals, Telegraphs, and other works and undertakings connecting the Province with any or others of the Provinces, or extending beyond the limits of the Province; b. Lines of Steamships between the Province and any British or foreign country; c. Such Works as, although wholly situated within the Province, are before or after their Execution declared by the Parliament of Canada to be for the general advantage of Canada or for the advantage of two or more of the Provinces. (11) The incorporation of Companies with Provincial objects. (12) The solemnization of marriage in the Province. (13) Property and Civil Rights in the Province. (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. (15) The imposition of punishment by fine, penalty, or imprisonment for enforcing any Law of the Province made in relation to any matter coming within any of the classes of subjects enumerated in this section. (16) Generally all matters of a merely local or private nature in the Province.

53. In and for each Province the Legislature may make Laws in relation to Education, subject and according to the following provisions:—

(1) Nothing in any such Law shall prejudicially affect any right or privilege with respect to Denominational Schools which any class of persons have by Law in the Province at the Union. (2) All the powers, privileges, and duties by Law conferred and imposed in Upper Canada on the Separate Schools and School Trustees of the Queen's Roman Catholic subjects shall be and the same are hereby extended to the Dissident Schools of the Queen's Protestant and Roman Catholic subjects in Quebec. (3) Where in any Province a system of separate or Dissident Schools exists by Law at the Union or is thereafter established by the Legislature of the Province, an appeal shall lie to the Governor General in Council from any Act or decision of any Provincial authority affecting any right or

privilege of the Protestant or Roman Catholic minority of the Queen's subjects in relation to Education:

(4) In case any such Provincial Law as from time to time seems to the Governor General in Council requisite for the due execution of the provisions of this section is not made, or in case any decision of the Governor General in Council on any appeal under this section is not duly executed by the proper Provincial Authority in that behalf, and in every such case, and as far only as the circumstances of each case require, the Parliament of Canada may make remedial Laws for the due execution of the provisions of this section and of any decision of the Governor General in Council under this section.

54. Provides for the uniformity of the laws of Ontario, Nova Scotia, and New Brunswick.

55. Enacts that the Legislature of each Province may make local laws respecting Agriculture and Immigration, and that the General Parliament may legislate on the same subject, the local law taking precedence, providing it is not repugnant to any Act of Parliament of Canada.

56 and 57. Governor General to appoint the Judges of the Superior, District, and County Courts in each Province, except Courts of Probate in Nova Scotia and New Brunswick; and until the laws are made uniform in Ontario, Nova Scotia, and New Brunswick, the Judges of those Provinces shall be appointed from their respective bars.

58. Quebec Judges to be selected from Bar of that Province.

59 and 60. Judges of Superior Courts to hold office during good behaviour, their salaries to be fixed by Parliament.

61. General Parliament may establish a general Court of Appeal and additional Courts.

62 and 63. All duties, revenues, etc., now levied by authority of the several Provinces, (except such portion as are hereafter reserved) shall form one Consolidated Revenue Fund, which shall be permanently charged with the costs of management and collection thereof, same to form first charge thereon.

64. Annual interest of the public debts of the several Provinces to form second charge on the Consolidated Revenue Fund.

65. Governor General's salary to be £10,000 etc. a year, subject to alteration by Parliament and to form third charge on revenue.

66 and 67. Fund in question to be appropriated by general Parliament to the public revenue of Canada, and all stocks and monies etc., belonging to each Province at the time of the Union, with the exceptions herein after noted, to be the property of Canada and taken in reductions of the amount of the respective debts of the Province at the Union.

68. The following public works and property of each Province to be the property of Canada. 1. Canals, with lands and water power connected therewith. 2. Public harbours. 3. Light-houses and piers, and Sable Island. 4. Steamboats, dredges and public vessels. 5. Rivers and lake improvements. 6. Railways and railway stocks, mortgages and other debts due by railway companies. 7. Military roads. 8. Custom houses, post offices, and all other public buildings, such as the Government of Canada may appropriate for the use of the Local Legislatures and Governments.

9. Property transferred by the Imperial Government, and known as Ordnance property. 10. Armouries, drill sheds, military clothing, and munitions of war, and lands set apart for general public purposes.

109. All lands, mines, royalties etc., belonging to the four Provinces, and all sums due for them to belong to said Provinces.

111, 112 and 113. Canada to be liable for the debts and liabilities of each Province existing at the Union, the Provinces of Ontario and Quebec, conjointly, to be liable to Canada for the amount by which the debt of the Province of Canada exceeds at the Union \$62,600,000, and charged at interest at the rate of 5 per cent per annum thereon, and to hold the following property conjointly:—Upper Canada Building Fund, Lunatic Asylums; Normal Schools; Court Houses, Lower Canada; Aymer; Montreal; Kamouraska; Law Society, Upper Canada; Montreal Turnpike Trust; University Permanent Fund, Royal Institution; Consolidated Municipal Loan Fund, Upper Canada; Consolidated Municipal Loan Fund, Lower Canada; Agricultural Society, of Upper Canada; Lower Canada Legislative Grant; Quebec Fire Loan; Temiscouata Advance Account; Quebec Turnpike Trust; Education—East; Building and Jury Fund, Lower Canada; Municipalities Fund; Lower Canada Superior Education Income Fund.

114 and 115. Nova Scotia and New Brunswick,

to be respectively liable to Canada for the amount by which their public debts exceed \$8,000,000 and \$7,000,000 respectively, at the time of the Union, and to be charged with interest thereon, at the rate of 5 per cent.; but in case their debts do not at the Union amount to \$8,000,000 and \$7,000,000 respectively, Nova Scotia and New Brunswick shall respectively receive by half yearly payments in advance from the Government of Canada, interest at 5 per cent, on the difference between the actual amounts of their respective debts and such stipulated amounts.

117. The several Provinces shall retain all their respective public property not otherwise disposed of in this Act, subject to the right of Canada to assume any land or public property required for fortifications or for the defense of the country.

118. The following sums shall be paid yearly by Canada to the several Provinces for the support of their Governments and Legislatures:—

|               |           |
|---------------|-----------|
| Ontario       | \$81,000  |
| Quebec        | 50,000    |
| Nova Scotia   | 30,000    |
| New Brunswick | 20,000    |
|               | \$220,000 |

and an annual grant in aid of each Province shall be made, equal to eighty cents per head of the population, as ascertained by the census of 1861, and in the case of Nova Scotia and New Brunswick, by each subsequent decennial census until the population of each of those two Provinces amounts to 400,000 souls, at which rate such grant shall thereafter remain. Such grants shall be in full settlement of all future demands on Canada, and shall be paid half yearly in advance to each Province; but the Government of Canada shall deduct from such grants, as against any Province all sums chargeable as interest on the public debt of that Province in excess of the several amounts stipulated in this Act.

119. New Brunswick shall receive by half-yearly payments in advance from Canada for the period of ten years from the Union, an additional allowance of \$63,000 per annum. But so long as the Public Debt of that Province remains under \$7,000,000 a deduction equal to the interest at five per centum per annum on such deficiency shall be made from the said sum of \$63,000.

120. All payments to be made under this Act, or in discharge of liabilities created under any Act of the Provinces respectively, shall until the Parliament of Canada otherwise direct be made at the discretion of the Governor General in Council.

121. All articles of the growth, produce or manufacture of any one of the Provinces shall, from and after the Union, be admitted free into each of the other Provinces.

122. The Customs and Excise Laws of each Province shall, subject to the provisions of this Act, continue in force until altered by the Parliament of Canada.

123. Where Custom Duties are, at the Union, leviable on any goods, wares, or merchandise in any two provinces, those goods, wares and merchandise may, from and after the Union, be imported from one of those Provinces into the other of them on proof of payment of the Customs duty leviable thereon in the Province of exportation, and on payment of such further amount (if any) of Customs duty as is leviable thereon in the Province of importation.

124. Nothing in this Act shall affect the right of New Brunswick to levy the Lumber dues provided in chapter fifteen of the title Three of the Revised Statutes of New Brunswick, or in any Act amending that Act before or after the Union, and not increasing the amount of such dues; but the Lumber of any of the Provinces other than New Brunswick shall not be subject to such dues.

125. All lands or property belonging to the General or Provincial Governments shall be exempt from taxation.

126. Such portions of the dues and revenues over which the respective Legislatures of Canada, Nova Scotia, and New Brunswick had before the Union power of appropriation as are by this Act reserved to the respective Governments or Legislatures of the Provinces, and all duties and revenues raised by them in accordance with the special powers conferred upon them by this Act, shall in each Province form one consolidated Revenue Fund to be appropriated for the public service of the Province.

127. Any person now in the Councils of the Provinces to whom a place in the Senate is offered who does not accept such place within thirty days after it