

well known, however, that the contrary is the fact, and that the Provinces are not sovereign States, and that the residuum of power is not in the Provinces, but, on the contrary, in the Federal Government. No doubt the Confederation of Canada was the result of an agreement between the former Provinces of Upper and Lower Canada and the Maritime Provinces which were the original members of the Federation, but to suppose that it was the case of sovereign States entering into a legislative compact is contrary to the fact. None of the component parts of the Federation stood in that position. The whole Confederation is the creation of a superior authority, and all parts of it have such rights and powers as that authority has allotted to them, and no others.

To pretend that the Provinces were intended to be autonomous is contrary to the plain reading of the statute. They cannot appoint their own Chief Magistrate. They cannot appoint the judges for their own superior courts of law, nor can they do any of the other acts referred to in S. 91 of the Act, and which they could have done if they really were self-governing, as the Appellate Division declares they were intended to be.

The real fact is that to the Provinces was committed the power of self government to a certain defined and limited extent, and no farther. No one would describe our various municipal corporations throughout Ontario as being autonomous and masters in their own house. They have certain powers of self government delegated to them, but may not lawfully exceed those powers. In like manner the various Provinces have certain powers delegated to them which they may not lawfully exceed. To describe the basic principle of the B.N.A. Act as being one intended to make each Province autonomous and master in its own house, appears, therefore, to us to be untenable, and contrary to the plain terms of the Act itself.

Perhaps, however, the sentence was intended to convey the idea "that within the area of jurisdiction specifically allotted to it, each Province was intended to be made and is in fact made autonomous," and if so, we should have less hesitation in coinciding with that view. But the judgment of the Appellate Division