

We do not think any reasonable objection can be taken to the principle thus enunciated. But when it is asserted that the "basic principle" of the B.N.A. Act is to make each Province autonomous and master in its own house, we very respectfully beg to differ.

For a proper understanding of this subject it is necessary to have before us the provisions of the British North America Act as to the distribution of legislative power between the Dominion and the Provinces. Section 91, referring to the powers of the Parliament of Canada, provides that the Dominion Parliament may make laws for the peace, order and good government of Canada in relation to all matters not coming within the classes of subjects assigned exclusively to the Provincial Legislatures, and the section proceeds to give a list of the matters within the exclusive legislative authority of the Parliament of Canada, and one of these is: "The regulation of trade and commerce." The concluding part of the section refers to the matters assigned exclusively to the Legislatures of the Provinces and designates them as "matters of a local or private nature," and in sec. 91, which specifies particularly the matters assigned to Provincial Legislatures, these are to be found: "The incorporation of companies with Provincial objects;" "Property and civil rights in the Provinces" and "Generally all matters of a merely local or private nature in the Provinces."

Apart from the result of decided cases one would suppose that the residuum of legislative authority as to "Trade and commerce" (which is the only general term applicable to the subject matter of the case under review), remains with the Dominion Parliament. The general principle is clearly stated to be that the matters entrusted to the Provincial Legislatures are those of a "merely local and private character."

If the pronouncement of the Court as to its view of the basic principle of the B.N.A. Act be sound, then Confederation would be based on the like principles which govern the union of the several States to the south of us; that is to say, each Province being regarded as a sovereign State, and the residuum of power being in the Provinces, and not in the Federal Government. It is