

responsibilities on the part of the several Provinces, and further, the putting in practical form, by constructive, regulative and restrictive legislation, the right of absolute Provincial Government control and regulation of the matters involved.

It is evident that to accomplish in its entirety the end lastly above mentioned or sought by you, it would be necessary, first, for your respective Provinces to be given, or have delegated to them, the necessary legislative powers in the premises by amendments, through the Imperial Parliament, to the British North America Act, and, secondly, to have adequate provisions made for the necessary self-protection and the consequent liability undertaken by us amongst other provisions expressly stipulating that all grain should pass through one channel and one channel only, or in other words to create in regard thereto a complete and absolute monopoly. Any attempt to deal with the subject, other than in a full, complete and far-reaching manner would, in our opinion, fail and prove futile, and possibly be followed with disastrous results. The separate states of the United States in dealing with transportation companies doing an inter-state business found themselves unable to accomplish their desire and federal action was invoked to meet their difficulties. These states, while occupying a somewhat identical position with the Provinces, possessed much more power relatively to their Government than the Provinces do to the Federal Government of Canada. The founders of Confederation clearly intended that the Federal Parliament of Canada should hold and possess the residuum of power, and clearly and unmistakably defined the lines which should separate Federal and Provincial legislation, and such division has clearly continued down to the present time. Whenever power is given to the Federal Parliament and not to the Provincial Assemblies it is incompetent for the Provincial Assemblies to trespass upon such powers. It must therefore be admitted without question that powers of Provincial Legislatures are limited. The Parliament of Canada has exclusive jurisdiction to deal with certain classes of subjects. One of the objects of the constitution of Canada was to create a strong Federal Government charged with duties and responsibilities towards industry and to establish confidence, credit and commerce by salutary laws affecting the Dominion as a whole and the nations with which the Dominion and its people would from time to time deal to be enforced by the power of the whole Dominion. It was not, we believe, ever intended that both the Federal Parliament and the Legislatures of the several Provinces should have and exercise identical or similar powers respecting certain classes of duties and powers to be performed. Therefore, it was manifest that when certain powers are given solely to the Federal Government, it necessarily implies a prohibition on the part of the Province to act on the subject so solely assigned to the Dominion. One of the provisions of the British North America Act is as follows: "It is specifically declared that any matter coming within the classes of subjects as to which the Parliament of Canada is given control 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 the subjects assigned."

The subject upon which the Provinces are asked by your Executive to take action, that is to say, the monopolistic establishment and operation of grain elevators and the handling of the grain is the three Provinces as a public utility, can hardly be claimed to be purely of a local or a private character and involves in its carrying out the condition precedent of the Provinces being possessed of the necessary power and authority in the premises which unfortunately from the standpoint of carrying out the wishes of your Executive, is not the case, and it follows that any legislative action taken by the Provinces along the lines suggested would, in addition to being extrajurisdictional in effect, be dealing with some of the matters as to which the Parliament of Canada has exclusive jurisdiction to deal with beyond the power of the local authorities to enact.