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UNIFORMITY OF LAW IN CANADA.

It has more than once been pointed out in this journal that there is a provision in the British North America Act which it is most desirable should be carried out, but which up to the present time has been virtually a dead letter. The section we refer to is s. 94, which reads as follows:—

“94. Notwithstanding anything in this Act, the Parliament of Canada may make provision for the uniformity of all or any of the laws relative to property and civil rights in Ontario, Nova Scotia and New Brunswick, and of the procedure of all or any of the courts in those 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 Parliament of Canada making provision for such uniformity shall not have effect in any province unless and until it is adapted and enacted as law by the legislature thereof.”

It will be observed that the section is confined to three of the provinces only. It ought to be extended to all, including Quebec.

Again, the rights of provinces are perhaps too much safeguarded by the concluding clause, which is a somewhat anomalous provision inserted no doubt in the supposed interest of the provinces. At any rate it is there, and after the proposed law has been made by the Parliament of Canada it will only take effect in those provinces which choose to adopt it. But having adopted it their legislative competence to deal with the matter will thenceforth cease.

If the Provincial Legislatures were to be guided by what is the best for the whole Dominion and were not led away by mere provincialism, it would be apparent to them, as to every unprejudiced person that there are some subjects of such general and