

all matters not coming within the classes of subjects by this Act assigned exclusively to the Legislatures of the Provinces," and it is declared, but not so as to restrict the generality of these words, that the exclusive authority of the Canadian Parliament extends to all matters coming within the classes of subjects which are enumerated in the clause. They may, therefore, be matters not included in the enumeration upon which the Parliament of Canada has power to legislate, because they concern the peace, order and good government of the Dominion. But to those matters which are not specified among the enumerated subjects of legislation, the exception from section 92, which is enacted by the concluding words of section 91, has no application, and, in legislating with regard to such matters, the Dominion Parliament has no authority to encroach upon any class of subjects which is exclusively assigned to Provincial Legislatures by section 92. These enactments appear to their Lordships to indicate that the exercise of Legislative power by the Parliament of Canada in regard to all matters not enumerated in section 92 ought to be strictly confined to such matters as are unquestionably of Canadian interest and importance, and ought not to trench upon Provincial Legislation with respect to any of the classes of subjects enumerated in section 92. To attach any other construction to the general power which, in supplement of its enumerated powers, is conferred upon the Parliament of Canada by section 91 would, in their Lordships' opinion, not only be contrary to the intendment of the Act, but would practically destroy the autonomy of the Provinces. If it were once conceded that the Parliament of Canada has authority to make laws applicable to the whole Dominion in relation to matters which in each Province are substantially of local or private interest upon the assumption that these matters also concern the peace, order and good government of the Dominion, there is hardly a subject enumerated in section 92 upon which it might not legislate to the exclusion of the Provincial Legislatures. In construing the introductory enactments of section 91 with respect to matters other than those enumerated which concern the peace, order, and good government of Canada, it must be kept in view that section 94, which empowers the Parliament of Canada to make provision for the uniformity of the laws relative to property and civil rights in Ontario, Nova Scotia and New Brunswick, does not extend to the Province of Quebec; and also that the Dominion legislation thereby authorized is expressly declared to be of no effect, unless and until it has been adopted and enacted by the Provincial Legislature.

[Concluded in next issue].