

Banking, Incorporation of Banks, and the Issue of Paper Money.

Bankruptcy and Insolvency.

Reserved for the Provincial Legislatures—

The Amendment from time to time, notwithstanding anything in this Act, of the Constitution of the Province, except as regards the Office of Lieutenant-Governor.

Municipal Institutions in the Province.

Local Works and undertakings other than such as are excepted in sub-section 10.

The Incorporation of Companies with Provincial Objects.

Property and Civil Rights in the Province.

Education.

It will be seen from the comparison of Federal and Provincial powers, given above, that there exists the closest relationship between them, and that there is no transcendent superiority vested in the Dominion Parliament.

As regards the internal and material interests of each of the Provinces, their municipal self-government, their systems of education, their public lands and their development, and the administration of justice, the Local Legislatures are of much greater importance than the Federal Parliament. Over those vital and complex functions of a free commonwealth, which are known as Civil Rights, and which are the life and marrow of local self-government and Constitutional citizenship, the Provincial Parliaments rule supreme.

It must be borne in mind that the Federal Parliament is the off-spring of the Provincial Legislatures; that it is not their progenitor; and that in confiding to it such of their powers as were necessary to establish it as a greater Representative Institution than themselves, there were yet certain powers which they reserved for their own behoof.

As an illustration of these reserved

powers, may be cited the last clause of Section 94 of the British North America Act. The section is headed 'Uniformity of Laws in Ontario, Nova Scotia, and New Brunswick.' This uniformity has reference to 'all or any of the laws relative to property and civil rights' in the three Provinces just named, and to the procedure 'of all or any of the Courts in those three Provinces.' But the last clause of this section declares that 'any Act of the Parliament of Canada making provision for such uniformity shall not have effect in any Province unless and until it is adopted and enacted by the Legislature thereof.'

In the framing of the British North America Act great care was taken to avoid making violent alterations in the distinctive Institutions of some of the Provinces which were parties to the Federal compact. The French system of jurisprudence in Lower Canada was left inviolate, and although 'Marriage and Divorce' are subjects placed specially under Federal control, yet no hand was laid on the Court of Divorce and Matrimonial Causes, which then existed in New Brunswick, and which still exercises its functions in that Province.

In one respect the Provincial Legislatures have a pre-eminent advantage over the Federal Parliament: they can at any time amend the Constitution, except as regards the office of Lieutenant-Governor. But even this power would not be denied by the Imperial Government, if we may judge from a reference to Colonial Governors, in a speech delivered by the Right Hon. W. E. Gladstone, in the House of Commons, on March 28, 1867, on the subject of the Canada Loan Bill. Mr. Gladstone said:—

'We have for a full quarter of a century acknowledged absolutely the right of self-government in the colonies. We do not expect the laws of Canada or of Australia to be modelled according to our own ideas. We grant them a greater freedom from interfer-