

jects enumerated in this section 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 subjects by this Act assigned exclusively to the legislatures of the provinces."

The highways in Prince Edward Island are "local works and undertakings," and they do not come within any of the classes of subjects enumerated in section 91 as assigned to the Parliament of Canada; they must therefore be deemed to come within the class of matters of a merely local or private nature in the province comprised in the enumeration of the classes of subjects assigned exclusively to the provincial legislature.

In the case of *Attorney-General for Ontario v. Attorney-General for the Dominion* (1896), A. C. at pp. 359-360, Lord Watson, in reference to this branch of the question, says:—

"It appears to their Lordships that the exception was not meant to derogate from the legislative authority given to provincial legislatures by these sixteen sub-sections, save to the extent of enabling the Parliament of Canada to deal with matters local or private in those cases where such legislation is necessarily incidental to the exercise of the powers conferred upon it by the enumerative heads of clause 91." And again in the same case at pp. 360-361, he says:—

"But to those matters which are not specified among the enumerated subjects of legislation (in sec. 91), 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 sec. 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 sec. 91, 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 sec. 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 sec. 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."