

IV.—PROVINCIAL AND LOCAL GOVERNMENT IN CANADA.

The source of the powers of the provincial governments of Canada is the British North America Act, 1867 (30-31 Vict., c. 3 and amendments). Under section 92 of the Act, the legislature of each province may exclusively make laws in relation to the following matters:—amendment of the constitution of the province, except as regards the Lieutenant-Governor; direct taxation within the province; borrowing of money on the credit of the province; establishment and tenure of provincial offices and appointment and payment of provincial officers; the management and sale of public lands belonging to the province and of the timber and wood thereon; the establishment, maintenance and management of public and reformatory prisons in and for the province; the establishment, maintenance and management of hospitals, asylums, charities and eleemosynary institutions in and for the province, other than marine hospitals; municipal institutions in the province; shop, saloon, tavern, auctioneer and other licenses issued for the raising of provincial or municipal revenue; local works and undertakings other than interprovincial or international lines of ships, railways, canals, telegraphs, etc., or works which, though wholly situated within one province, are declared by the Dominion parliament to be for the general advantage either of Canada or of two or more provinces; the incorporation of companies with provincial objects; the solemnization of marriage in the province; property and civil rights in the province; the administration of justice in the province, including the constitution, maintenance and organization of provincial courts both of civil and criminal jurisdiction, and including procedure in civil matters in these courts; the imposition of punishment by fine, penalty, or imprisonment for enforcing any law of the province relating to any of the aforesaid subjects; generally all matters of a merely local or private nature in the province.

Further, in and for each province the Legislature may, under section 93, exclusively make laws in relation to education, subject to the following provisions.—

“(1) Nothing in any such law shall prejudicially affect any right or privilege with respect to denominational schools which any class of persons have by law in the province at the union.

(2) All the powers, privileges and duties at the union by law conferred and imposed in Upper Canada on the separate schools and school trustees of the Queen's Roman Catholic subjects shall be and the same are hereby extended to the dissentient schools of the Queen's Protestant and Roman Catholic subjects in Quebec.

(3) Where in any province a system of separate or dissentient schools exists by law at the union or is thereafter established by the legislature of the province, an appeal shall lie to the Governor-General in Council from any act or decision of any provincial authority affecting any right or privilege of the Protestant or Roman Catholic minority of the Queen's subjects in relation to education.

(4) In case any such provincial law as from time to time seems to the Governor-General in Council requisite for the due execution of the provisions of this Section is not made, or in case any decision of the Governor-General in Council on any appeal under this Section is not duly executed by the proper provincial authority in that behalf, then and in every such case, and as far only as the circumstances of each case require, the Parliament of Canada may make remedial laws for the due execution of the provisions of this Section and of any decision of the Governor-General in Council under this Section.”