

CONSTITUTION AND GOVERNMENT OF CANADA

weights and measures; bills of exchange, promissory notes, interest; legal tender; bankruptcy and insolvency; patents and copyrights; Indians and Indian lands; naturalization and aliens; marriage and divorce; the criminal law, including procedure in criminal matters, but not the constitution of courts of criminal jurisdiction; the establishment, maintenance and management of penitentiaries and generally such classes of subjects as are by the Act expressly excepted in the enumeration of the classes of subjects assigned exclusively to the provincial legislatures. It declares that any matters coming within any of the classes above enumerated shall not be deemed to be of a local or private nature as mentioned in the classes of subjects assigned exclusively to the legislatures of the provinces.

Exclusive Powers of the Legislatures.—Section 92 furnishes a list of the subjects of legislation assigned exclusively to the provincial legislatures, viz., the amendment of the constitution of the province, except as regards the office of the lieutenant-governor; direct taxation within the province for revenue purposes; the borrowing of money on the credit of the province; the establishment of provincial offices and the payment of the officials; the management and sale of public lands of the province and the timber and wood thereon; the establishment and control of provincial reformatories, hospitals, asylums and charitable institutions in and for the province other than marine hospitals; municipal institutions within the province; shop, saloon, tavern, auctioneer and other licenses for local or provincial purposes; local works and undertakings other than: (a) Lines of ships, railways, canals, telegraphs and other works connecting the province with other provinces or extending beyond the province; (b) Lines of steamships between the province and any British or foreign country; (c) Such works as, although wholly within the province, may be declared by the Parliament of Canada to be for the general advantage of Canada or for the advantage of two or more of the provinces. This clause has been extensively made use of in the matter of railway lines. Other exclusive powers assigned to the provincial legislature are: 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 for civil and criminal jurisdiction, and including procedure in civil matters in those courts; the punishment by fine or imprisonment for enforcing any law of the province and generally all matters of a merely local or private nature in the province.

Education.—Education, treated of in Section 93 of the Act, has been the subject of many long and able controversies both in parliament and in the courts. The first section of this celebrated enactment is as follows:

“In and for each province the legislature may exclusively make laws in relation to education, subject and according 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.