province, because the power to deal with railways is especially vested by the Act in Parliament, so that there would be a case of overlapping jurisdiction, and while the provinces may assert their power, and the parliament may assert its power within a certain radius, it would be an unnecessary thing for Parliament to legislate and incorporate a company which was running over precisely the same ground, serving precisely the same country and running from and through the same towns in a province. In such a case, I would say it was expedient for parliament to exercise its power if the legislature of the province had already done so, unless some other right intervened. If the work was of such a character that, taken in connection with other works which the parliament had sanctioned and had granted, a conclusion could be arrived at by Parliament at all events that the work so provided for was one which was for the general advantage of Canada, and, in that case, it would be the duty of Parliament, as it would be its undoubted right, to take the whole work over and deal with it. So that I take it that the proposition which I have endeavoured to present is clear. The point comes down to this : is there that overlapping position with reference to provincial rights and Dominion rights in this case? Now, that has been determined by the highest court in the land and in the very plainest terms. I refer to the last judgment on this point, which is the judgment of the Privy Council in the case of the Attorney General against the Grand Trunk Railway Company, where the question was one that arose on a matter of contract between employer and employed. It was a case in which the railway company had by its conditions and stipulations provided that the party could contract himself out of rights of action, which might accrue to him during his employment if no such contract were signed, and therefore, it was a question of whether that civil right which undoubtedly was a right within the provincial rights, could be covered and embraced by legislative authority by the railway company incorporated under the Dominion Parliament, and with the right to make contracts. In the discussion of the matter, this is the way in which it was put by the court after discussing the question as to the whole proposition, they wind up with these words :

> The point, therefore, comes to be within a very narrow compass. The respondent maintains, and the Supreme Court has upheld its contention, that this is truly railway legislation.

And therefore would be within provincial jurisdiction. The judgment continues:

> The appellants maintain that under the guise of railway legislation it is truly legislation as to civil rights, and as such, under section 92, subsection 13 of the British North America Act, appropriate to the province. The construction of the provision of the British North America Act has been frequently before their lordships. It does not seem necessary to recapitulate the decisions, but a comparison of two cases decided in the year 1894 seems to establish these two propositions: first, that there can be a domain in which provincial and Dominion legislation may overlap, in which case neither legislation will be ultra vires if the field is clear.

Hon. Mr. LOUGHEED—What is the subject being discussed?

Hon. Mr. KERR—Contracting out of liabilities.

Hon. Mr. LANDRY—Is the hon. gentleman reading the finding of the court or the argument of the lawyer?

Hon. Mr. KERR—The judgment of their lordships. First that there can be a domain in which provincial and Dominion legislation may overlap; in which case neither legislation will be ultra vires if the field is clear; that is if neither Parliament has exercised its legislative power.

> 'And secondly, if the field is not clear and in such a domain that two legislations meet, then the Dominion legislation must prevail.' Accordingly the true position in the present case does not seem to turn upon the question whether this law deals with a civil right, which may be conceded, but whether this law is truly ancilliary to railway legislation.

And dealing with that, they decided the case. Now, one of the cases which makes this very clear is the case of the Attorney General of Ontario against the Attorney General of Canada, and in that case, which was one with reference to assignments, and whether insolvency or bankruptcy being within the jurisdiction of the Dominion, the provincial law was constitutional and