the former Province of Quebec, the prerogative in respect to legislation within that territory was maintained in the Quebec Act of 1774, which provided that every ordinance of the Governor and Legislative Council, within six months of the passing thereof, should be transmitted to England and 'laid before His Majesty for his royal approbation, and if His Majesty shall think fit to disallow thereof, the same shall cease and be void' (s. 14). In the Constitutional Act of 1791, 31 George III. c. 31, it was provided that in Upper Canada and Lower Canada, the laws should be enacted by His Majesty, by and with the advice and consent of the Legislative Council and Assembly in each Province; and that all laws passed by such Council and Assembly, and assented to by His Majesty, or in His Majesty's name by the Governor or Lieutenant-Governor of each Province, should be valid and binding (s. 2); and the Governor was empowered 'to summon and call together an Assembly for each Province' (s. 13), and to do other acts 'in His Majesty's name.' By the Union Act of 1840, so much of the former Act of 1791 as provided for constituting a Legislative Council and Assembly, and for the making of laws, within each Province, was repealed, and it was enacted that within the united Provinces Her Majesty should have power, by and with the advice and consent of the Legislative Council and Assembly, to make laws for the peace, welfare and good government of the Province of Canada, such laws not being repugnant to that Act, or to such parts of the Constitutional Act of 1791, as were not then repealed. The Governor was empowered, 'in Her Majesty's name,' to summon and call together the Legislative Assembly, and to assent to, or withhold assent from, or reserve, Bills passed by the Council and Assembly.

The legislation in the former Provinces of Upper and Lower Canada, and Canada (now the Provinces of Ontario and Quebec), was enacted in the name of the Sovereign, by and with the advice and consent of the Council and Assembly; and by 18 Vic. c. 88 (C. S. C. c. 5), it was enacted and declared that the form 'Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows,' should thereafter be used in all Legislative Acts. In the Provinces of Nova Scotia, New Brunswick, Prince Edward Island and British Columbia, prior to Confederation, the Royal name was not used in their Legislative Acts, but their legislation, nevertheless, affected the Crown's Prerogative in these Provinces.

The British North America Act established two separate and independent governments, with enumerated, and therefore limited, parliamentary or legislative powers. These dual legislative sovereignties take the place of, and exercise the functions and powers formerly vested in, what was practically one government. Each of the separate governments derives its legislative powers from the same instrument, and each, in a measure, is dealt with as if it related to a separate territorial government;[1] and the Act, neither expressly nor impliedly, confers upon either government a legislative jurisdiction over the other. The separate power to legislate on certain classes of subjects is declared to be 'exclusive.' 'Where the power to legislate is granted to be exercised exclusively by one body, the subject so exclusively assigned is as completely taken from the others as if they had been expressly forbidden to act on it.'[2] 'Where two legislative bodies exist, each hav-

(1) The Federal Government and the States, although both exist within the same territorial limits, are separate and distinct sovereignties, acting separately and independently of each other, within their respective spheres. —*Collector* v. *Day*, 11 Wallace, U. S. 113.

(2) Per Ritchie, C. J., *Regina* v. *Chandler*, 1 Hanney (N.B.), 557.