

to come within the classes of matters of a local or private nature comprised in the enumeration of the classes of subjects assigned exclusively by this act to the legislatures of the provinces.

Although only twenty-three years have passed since the establishment of the Federal union, the time of the Courts of Canada and of the judicial committee of the Privy Council has been much occupied by the consideration of cases which have arisen upon the interpretation of section 91, and of section 92, which contain the enumeration of dominion and provincial powers. A careful examination of these two sections will show the student that, despite the obvious intention to give predominance to the Dominion Parliament in cases not expressly provided for, there are in the very terms of the enumeration itself the elements of grave doubt and controversy. Questions of difficulty have constantly arisen in connection with "property and civil rights in the province," over which exclusive authority has been given by section 92, sub-section 13, to the provincial legislatures. It necessarily happens that in legislating on subjects within its exclusive jurisdiction the Dominion Parliament may trench upon the provincial rights in this particular. Again, with regard to certain classes of subjects generally described in section 91, as belonging to the Dominion, legislative power may nevertheless reside as to some matters, falling within the general description, in the provincial legislature. Or, subjects which in one aspect, and for one purpose fall within section 92, may in another aspect and for another purpose fall within section 91. Or, the powers of the Dominion and provincial authorities are in certain cases expressed in such broad and general terms as to cover and include the same subject. For instance, insurance has been judicially determined to fall within the express power of the Dominion Parliament to regulate trade and commerce, and also within the more specific power of the provincial legislatures over "the incorporation of companies with provincial objects." Consequently the Dominion Parliament has passed a great number