far back as 1879 the Judicial Committee said, in *Valin* v. *Langlois*,* "that if the subject-matter is within the jurisdiction of the Dominion Parliament, it is not within the jurisdiction of the Provincial Parliament." As Dorion, C.J., says, in *Regina* v. *Mohr*,† the powers "conferred by sections 91 and 92 of the British North America Act are exclusive, so that within the limits assigned to the Dominion Parliament and to the legislature of each province these powers are exclusive," and when the Imperial Legislature placed laws in relation to bankruptcy and insolvency within the exclusive jurisdiction of the Dominion Parliament they must surely have had some more or less definable class of legislation in view, although, as with several other of the enumerated classes of section 91, it may be hard to arrive at a correct definition.

Here, in fact, we get one of the great points of distinction between our Constitution and that of the United States, a distinction which has often been referred to in provincial courts in reference to this very subject of bankruptcy and insolvency.‡ Under the Constitution of the United States, though Article 1, section 8, provides that Congress shall have power "to establish uniform laws on the subject of bankruptcy throughout the United States," and although, by Article 6, the Constitution and the laws of the United States which shall be made in pursuance thereof shall be the supreme law of the land, it is obvious that the above power, not being made exclusive, there is nothing to prevent a State making and enforcing insolvent laws when there is no bankruptcy law in existence. As Judge Cooley expresses it in his "General Principles of Constitutional Law§: "The mere grant of a power to Congress does not of itself, in most cases, imply a prohibition upon the States to exercise the like power. The full sphere of federal powers may, at the discretion of Congress, be occupied or not, as the wisdom of that body may determine. If not fully occupied, the States may legislate within the same sphere, subject, however, to any subsequent legislation that Congress may adopt. It is not the mere existence of the

* 5 App. Cas. 119; 1 Cart. 163.

† 7 Q.L.R., at p. 187; 2 Cart., at p. 26 (1891).

‡ See per Ritchie, C.J., in *Queen* v. *Chandler*, 1 Hannay 556, 2 Cart. 421; per Hagarty, C.J., in *Clarkson* v. *Ontario Bank*, 15 A.R., at p. 176, 4 Cart., at p. 510; per Burton, J.A., in *Edgar* v. *Central Bank*, 15 A.R., at p. 200, 4 Cart., at p. 539.

§ 1st Ed., at p. 35.