

that their powers are, within the area of their respective jurisdictions, as plenary as those of the parliament at Westminster.

But many of these divisions of legislative powers are cross-divisions. To take a simple example 'marriage and divorce' is assigned to the Dominion parliament to deal with, and yet the 'solemnization of marriage in the province,' which would certainly, on the ordinary understanding of language, fall within the former is said to be exclusively for the provincial legislatures. The Courts had to lay down the principle that section 91 which prescribes the legislative jurisdiction of the Dominion parliament, and section 92 which prescribes that of the provincial legislatures, must be read together, and the language of the one interpreted, and, when necessary, modified by that of the other: *Citizens Insurance Co. v. Parsons* (p. 12). And some of the subjects of legislation assigned exclusively to the Dominion undoubtedly fall within the broad subject, assigned to the provinces, of 'property and civil rights in the province.' For example, 'Parliament,' obviously, cannot legislate effectually upon 'banking,' or 'copyrights,' or 'the regulation of trade and commerce,' without affecting property and civil rights in the provinces. But the frame of section 91, especially what is called the *non obstante* clause,—'notwithstanding anything in this Act,'—sufficiently indicates that, in case of direct conflict, Dominion legislation upon any of such subjects as are expressly assigned to it, is to prevail over provincial enactments: *Tennant v. The Union Bank of Canada* (p. 14).

But quite apart from property and civil rights in the province, the Dominion parliament sometimes cannot effectually and completely legislate upon subjects exclusively assigned to it, without intruding upon the provincial area by enactments ancillary and supplementary to the main subject of its legislation. For