authorized 'to make laws for the peace, order, and good government of Canada in relation to all matters not coming within the classes of subjects by this Act assigned exclusively to the Legislatures of the Provinces';" and so almost in the same words, per O'Connor, J., in *Gibson* v. *Macdonald* (1885), (*k*).

The second constitutional feature of the Dominion indicated by our leading proposition, in which it contrasts with that of the United States, is that whereas in the former all powers of legislation not expressly assigned to the Provincial Legislatures rest with the Dominion Parliament, in the latter the States retain all powers of legislation not expressly assigned to Congress. This is again and again pointed out in the cases as the leading stinction between our constitution and that of the United States (*l*). In *Leprohon* v. *City of Ottawa* (*m*), Harrison, C.J., calls attention to the express provision of the tenth amendment of the Constitution of the United States, that: "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people." And it is interesting to observe that in his Essay on the Government of Dependencies, published in 1841, Sir George Cornewall Lewis remarks (*n*): "The limited extent of the powers given to the common Government and the indefinite extent of the powers reserved by the several Governments are certainly important defects in the political system of the United States, threatening to bring about a disruption or dissolution of their union, and involving the Federal State, which arises from their union, in wars or disputes with other independent communities. But the prejudices and interests which in each of the revolted colonies separated the powers of its peculiar Government would have opposed invincible obstacles to a perfect fusion of those colonies into one independent State"; while in *Angers* v. *The Queen Ins. Co.* (*o*) Torrance, J., observes: "The framers of our constitution had before them the melancholy warfare which had so long desolated so large a portion of the continent, and determined that there should be no questions as to the supremacy of the general Government or the subordinate position of our Provinces. It was intended that the general Legislature should be strong—far stronger than the Federal Legislature of the United States in relation to the States Governments" (*p*).

It may be worth while to observe that in Gray on Confederation (*q*), as quoted by the learned author himself in *Tai Sing* v. *McQuire* (1878), (*r*), we find

(*k*) 7 O.R. at p. 424; 3 Cart. at p. 334.

(*l*) Per Ritchie, C.J., in *Valin* v. *Langlois*, 3 S.C.R. at p. 14, 1 Cart. at p. 171; per Fournier, J., *ib.* 3 S.C.R. at p. 193, 1 Cart. at pp. 193-4; *Slavin* v. *The Corporation of Orillia*, 36 U.C.R. at pp. 174-5; per Ritchie, C.J., in *City of Fredericton* v. *The Queen*, 3 S.C.R. at pp. 532-6, 2 Cart. at pp. 34-5; per Cross, J., in *North British and Mercantile, etc., Insurance Co.* v. *Lambe* (*Bank of Toronto* v. *Lambe*), 1 Mont. L.R., Q.B., at p. 152, 4 Cart. at p. 48; per Spragge, C., in *Leprohon* v. *City of Ottawa*, 2 A.R. at p. 529, 1 Cart. at p. 600.

(*m*) 40 U.C.R. at p. 489; 1 Cart. at p. 646.

(*n*) See Edition of 1891, by C. P. Lucas, at p. 321.

(*o*) 21 L.C.J. at p.; 1 Cart. at p. 155.

(*p*) But reasons for objecting to the use of the word "subordinate" as applied to the Provinces will be found stated in other portions of this work.

(*q*) Published in Toronto in 1872, Vol. 1, pp. 55-6.

(*r*) 1 Brit. Col. at p. 105.