

Lords, Lord Carnarvon observed that "the authority of the Central Parliament will prevail whenever it may come into conflict with the local legislatures,"* and the 45th Quebec Resolution was that: "In regard to all subjects over which jurisdiction belongs to both the general and local legislatures, the laws of the general parliament shall control and supersede those made by the local legislature, and the latter shall be void so far as they are repugnant to or inconsistent with the former." In the words of Taschereau, J., in *Citizens' Insurance Co. v. Parsons*†: "Before the laws enacted by the Federal authority within the scope of its powers, the provincial lines disappear; for these laws we have a quasi legislative union; these laws are the local laws of the whole Dominion, and of each and every province thereof."

A valuable comment on the meaning of these latest *dicta* of the Privy Council appears to be contained in the following words of Lord Watson, spoken in the course of the argument: "The view I have taken of it is this, that within the area given to the Dominion Parliament by section 91 there is a legislative area, part of which is their own exclusively, but that area may include, in addition, certain ancillary provisions which touch and trench upon the provincial law; and as long as these are enactments in that part of the area, it would exclude the right of the province to legislate to the effect of destroying—derogating from—their enactment. It would take away their power as effectually as if it belonged to the primary area. If there had been no legislation, then my impression was that, within what I call the secondary area, the provincial parliament was free to legislate." And when, a little way further on, Sir Richard Webster said that, "by the frame of section 91, you are to read out of section 92 anything which is enumerated in section 91," Lord Watson replied to him: "That is rather suggesting that the area of a legislative power is defined and capable of definition, and is absolutely exclusive in all cases. That is not the view which has been suggested by the decisions of this Board. The decisions of this Board rather point to this, that there is a certain extent of that legislation which might be reserved to the province, but there are many ancillary regulations which might be made in carrying out their primary object and the power given to them, in which

* *Hansard*, 3rd Ser., Vol. 185, at p. 566.

† 4 S.C.R., at p. 307, 1 Cart., at p. 326.