

mination of a series of provisions comprising secs. 9, 10, 11, 12, 13, 14, and 15, manifestly designed for the protection of purchasers, intending purchasers, and the public generally, against imposition or deception as to the quality, fineness, grade or description of the articles therein specified. Broadly stated, the means adopted are (1) to render obligatory the application of certain marks, and (2) to prohibit the application of certain other marks to articles of the kind made, sold or brought into Canada by a dealer, the governing purpose being the prevention of the use of false or misleading indicia.

Section 16 reads as follows: "Everyone is guilty of an indictable offence who being a dealer within the meaning of this Act— (a) contravenes any provision of secs. 9, 10, 11, 12, 13 or 14 of this Act; (b) makes use of any written or printed matter or advertisement or applies any mark to any article, of any kind referred to in sec. 13 or in sec. 14 of this Act, or to any part of such article, guaranteeing or purporting to guarantee by such matter, advertisement or mark that the gold or silver on, or in such part thereof, will wear or last for any specified time." Section 17 prescribes the penalties to be imposed in case of conviction.

The objection made to sub-sec. (b) is that it assumes to render penal what is nothing more than the mere warranting in writing or by means of a mark the lasting quality of the article, a matter of contract or representation, not within the realm of criminal law. But assuming that to be the case, it by no means concludes the matter. It does not follow that there is not resident, either in the Parliament of the Dominion or in the Provincial Legislature, the power to declare such an act an offence and to provide punishment therefor. That the Imperial Parliament possesses the power is beyond question. And it has exercised it on much the same lines as in the Act in question here.

In the division of legislative power between the Parliament of Canada and the Legislatures of the Provinces effected by the British North America Act many fields of legislation are left within the competence both of the Parliament and of the Legislatures. And, as more than once remarked, in one way of dealing with a particular subject it may be within sec. 91, and in another way, or for another purpose, it may fall within sec. 92: *Citizens' Insurance Co. v. Parsons*, 7 App. Cas. 107, 108; *Hodge v. The Queen*, 9 App. Cas. 130, per Osler, J.A., in *Regina v. Wason* (1890), 17 A.R. 221, at p. 244.

The exclusive legislative authority conferred by sec. 91 upon the Parliament of Canada in relation to the criminal law, including the procedure in criminal matters, does not deprive the