

law, however much they may be able to justify the Act as a matter of policy.

We will try to state clearly the effect of the present decisions, and to indicate the difficulties still to be dealt with.

By sec. 91 of the B. N. A. Act "It shall be lawful for the Queen, by and with the advice and consent of the Senate and House of Commons, 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 for greater certainty, but not so as to restrict the generality of the foregoing terms of this section, it is hereby declared that, notwithstanding anything in this Act, the exclusive legislative authority of the Parliament of Canada extends to all matters coming within the classes of subjects next hereinafter enumerated; that is to say" (omitting the unimportant items):

"(2.) The regulation of trade and commerce.

And any matter coming within any of the classes of subjects enumerated in this section, shall not be deemed to come within the class of matters of a local or private nature comprised in the enumeration of the classes of subjects by this Act assigned exclusively to the Legislatures of the Provinces."

By sec. 92, "In each Province the Legislature may exclusively make laws in relation to matters coming within the classes of subjects next hereinafter enumerated, that is to say:"—(omitting the unimportant items),

"(8.) Municipal Institutions in the Province;

(9.) Shop, saloon, tavern, auctioneer, and other licenses, in order to the raising of a revenue for provincial, local or municipal purposes;

(13.) Property and civil rights;

(15.) The imposition of punishment by fine, penalty or imprisonment, for enforcing any law of the Province made in relation to any matter coming within any of the classes of subjects enumerated in this section;