

In like manner the Federal Parliament must not transgress the domain of the Provincial Legislature.

If, for example, the Parliament of Canada should enact that marriage throughout the Dominion of Canada might be solemnized "by jumping a broomstick," provided a fee of \$50 were first paid to a collector of federal revenue, such legislation would be *ultra vires* as a transgression of the exclusive power of the local Legislatures over "the solemnization of marriage," and as not being an enactment coming within the general power vested in Parliament to legislate in respect to "the peace, order and good government" of the country.

We have given extreme instances of legislation in order to illustrate principles that underlie the distribution of legislative power in our constitution, and the better to test their application. We have not failed to give due consideration to the cases that have already been decided in Canada and in England upon the construction of the two sections 91 and 92 of the British North America Act. We have not overlooked the decisions of the Privy Council in the cases of Parsons and the Citizens Insurance company; the Attorney General of Quebec and the Queen Insurance company; the Attorney General of Quebec and Reid; Russell and the Queen; the Bank of Toronto and Lambe, Hodge and the Queen, and other cases in the Privy Council and in our own Supreme Court.

We note that in one of the Privy Council cases their lordships observed that :

"Subjects which in one aspect, and for one purpose, fall within section 92, may, in another aspect, and for another purpose, fall within section 91."

And in another case their lordships observed :

"The two sections must be read together, and the language of the one interpreted, and where necessary, modified by that of the other. In performance of this difficult duty it will be a wise course for those on whom it is thrown to decide each case which arises as best they can; without entering more largely upon the interpretation of the statute than is necessary for the decision of the particular case in hand."

Upon this head, assuming *prima facie* that the Quebec License Act falls within the sub-section permitting the local legislature to make laws in respect of licenses for the raising of a revenue for provincial purposes, we incline to the view that the enactment now under consideration is a transgression of the powers exclusively and absolutely vested in the Federal Parliament relating to "the regulation of trade and commerce."