

This Act, as is well known, gives a number of matters exclusively to the Dominion Parliament, hardly any of which can be legislated upon without affecting property and civil rights in the different Provinces; and yet by another section the Act gives the subject of property and civil rights in the Provinces exclusively to the Local Legislatures. The Act gives marriage and divorce exclusively to the Dominion Parliament, and yet it gives the solemnization of marriage exclusively to the Local Legislatures; and it gives criminal law exclusively to the Dominion Parliament, and yet gives the imposition of fines and imprisonment for breaches of Provincial laws exclusively to the Local Legislatures; it also gives the regulation of trade and commerce exclusively to the Dominion Parliament, and yet gives the police power, and the imposition of shop, saloon, tavern, and auctioneer and other licenses exclusively to the Local Legislatures; it further gives the raising of money by any mode or system of taxation exclusively to the Dominion Parliament, and yet gives direct taxation within the Provinces in order to the raising of a revenue for provincial purposes exclusively to the Local Legislatures.

When we remember the broad, far-reaching general principle laid down and illustrated by *Russell v. The Queen*, and *Hodge v. The Queen*, and in the matter of the Dominion License Acts, namely, that an Act which in one aspect and for one purpose comes within the jurisdiction of the Local Legislatures may, in another aspect and for another purpose, come within that of the Dominion Parliament, it must, we think, be admitted that the Judicial Committee have, with great astuteness, formulated the only general principle whereby it is possible to reconcile the apparent inconsistencies of the Act which they had to construe. It is not our opinion only, but also that of one who has made a very careful and special study of the decisions of the Privy Council on our Constitutional Act, separately and in relation to each other, that the assertion that there is any inconsistency to be found in the decisions of that supreme tribunal is without any warrant whatever; they are not only consistent, but satisfactory.

Mr. Marsh considers it a most unsatisfactory rule that the Privy Council refrains, as far as possible, from laying down general principles, but endeavours in each case to determine the question upon some narrow point peculiar to the case in hand. But what Mr. Marsh regards as a defect, we regard as a mark of