

92, (not farther within the subjects-matter enumerated in section 91, as aforesaid), so far as such subjects-matter in section 92 remain unaffected, or not over-ridden and superseded by the effectual and *bona fide* legislation of Parliament on the subjects-matter in section 91. For instance, legislation by Parliament on direct taxation under class 3 of section 91, would leave intact direct taxation under class 2 of section 92; legislation by Parliament under sub-section 2 of section 91, under such an Act as the Canada Temperance Act, or under an absolutely Prohibitory Law, would, virtually, take away all power from the Local Legislatures to legislate as to shop, saloon and tavern licenses for the purpose of raising a revenue for local purposes; legislation on bankruptcy and insolvency, and on other subjects enumerated in section 91, would take away from the Local Legislatures, property and civil rights in the Provinces, so far as these were brought within, or were affected, or over-ridden, by, the *bona fide* legislation, by Parliament, on such subjects-matter in section 91.

The above is the deduction as to the THE LAW, from the Act itself, and from all the well decided cases under it, whether decided in the Supreme Court of Canada, by the Privy Council, or elsewhere; which, manifestly,

DO NOT INCLUDE

Dobie *v.* The Temporalities Board, nor Russell *v.* The Queen, as decided by the Judicial Committee of the Privy Council of England; and which cases we think we have shown, honestly and unanswerably,

ARE NOT LAW.

Admitting the above to be a correct statement of the law, as between Parliament and the Legislatures, under sections 91 and 92 of the Act, questions for the Courts like those in the fisheries cases; in the *causes celebre*, the Mercer escheat case; the Parsons' insurance case; the Ontario license act case, and in other similar cases, will continue to arise; but these questions come within the ordinary rules as to construction; and, as they arise, have to be treated as analogous cases are treated in other instances. So, too, questions may arise as to the effect of legislation by Parliament on subjects-matter in section 91, *bona fide* affecting subjects-matters in section 92; as to the greater or less extent to which these latter may have been affected by such legislation: this, as we have seen, being greatly dependent on the relative subjects-matters in the particular case. Such questions are not more difficult than many other