

the company determined the power to incorporate. One of the arguments urged against this view was that the application of it to our own constitution was impossible. If exclusive jurisdiction had been given to the Dominion over certain subjects and to the provinces over others, the theory would work; but in the early case of *Hodge v. The Queen*, the Privy Council declared 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." In order to illustrate the extent to which this view of the constitution had been established by the cases, a list of them, with an explanatory table, was prepared and referred to on the argument. These are now reproduced (a) as they may be useful for reference. An explanation of the table is given on the following page.

(a) The following is the list of cases; the table is on p. 640.

1. *L'Union St. Jacques de Montreal v. Belisle* (1874), L.R. 6 P.C. 31. Legislature may pass an Act for the relief of a company in financial embarrassment to avert insolvency.

2. *Cushing v. Dupuy* (1880), 5 App. Cas. 409. Parliament may declare judgment of Court of Appeal in matters of insolvency final and not subject to right of appeal given by provincial statute.

3. *Peek v. Shields* (1881), 6 Ont. App. Rep. Parliament may interfere with property and civil rights and civil procedure in passing Insolvent Act, 1875.

4. *Shoolbred v. Clarke* (1890), 17 S.C.R. 265. Parliament may pass Winding-Up Act affecting provincial companies.

5 and 6. *Clarkson v. Ontario Bank*, *Edgar v. Central Bank* (1888), 15 Ont. App. Rep. 166; *Atty.-Gen. Ont. v. Atty.-Gen. Dom.* (1894), A.C. 189. Legislature may pass Assignments and Preferences Act, when there is no Dominion Act of Bankruptcy and Insolvency.

7. *Quirt v. Queen* (1891), 19 S.C.R. 510. Parliament may legislate respecting the property of an insolvent bank.

8. *Regina v. Boardman* (1871), 30 U.C.R. 553. Legislature may prescribe penalties in regulations for tavern and shop licenses.

9. *Hodge v. Queen* (1883), 9 App. Cas. 117. Legislature may make police regulations for taverns.

10. *Poulin v. Corporation of Quebec* (1884), 9 S.C.R. 185. Legislature may prohibit sale of liquor on Sunday.

11 and 12. *Atty.-Gen. Ont. v. Atty.-Gen. Dom.* (1896), A.C. 348; *Atty.-Gen. of Manitoba v. Man. License Holders' Assn.* (1902), A.C. 73. Legislature may prohibit liquor traffic within the Province.

13. *Brewers and Maltsters Assn. of Ont. v. Atty.-Gen. Ont.* (1897), A.C. 231. Legislature may issue licenses to brewers and distillers to sell wholesale within the Province.

14. *Russell v. Regina* (1882), 7 App. Cas. 829. Parliament may suppress liquor traffic throughout the Dominion.