

latures. And, as more than once remarked, in one way of dealing with a particular subject it may be within s. 91, and in another way, or for another purpose, it may fall within s. 92: *Citizens' Insurance Co. v. Parsons*, 7 App. Cas. 107, 108; *Hodge v. The Queen*, 9 App. Cas. 130, per Osler, J.A., in *Regina v. Wason* (1890) 17 A.R. 221, at p. 224.

The exclusive legislative authority conferred by s. 91 upon the Parliament of Canada in relation to the criminal law, including the procedure in criminal matters, does not deprive the Provincial Legislatures of the right to legislate for the better protection of the rights of property by preventing fraud in relation to contracts or dealings in a particular business or trade: *Regina v. Wason*, supra. But on the other hand, the right of the Provincial Legislatures to so legislate does not deprive the Parliament of its powers in relation to criminal law.

In this case no question of conflicting legislation arises. And although in one way the sub-section may appear to interfere with the right and power to contract, yet in another way it is the exercise of the power to prevent and punish the adoption of methods whereby the public are, or may be exposed to deception and imposition.

The question should be answered in the negative.

G. Waldron, for the defendant. E. Bayly, K.C., for the Crown. J. Jennings, for the Minister of Justice.

HIGH COURT OF JUSTICE.

Middleton, J.] MUTRIE v. ALEXANDER. [March 11.

Will—Action to establish—Jurisdiction of Surrogate Courts and High Court—Declaratory judgment.

This was an action to establish the will of Andrew Alexander, deceased, and for a declaration that the executor named therein was entitled to probate. The will, it was said, was lost, but the court did not think there was adequate proof of search, but was satisfied that it had been duly executed.

Held, 1. That the High Court has no testamentary jurisdiction except when conferred upon it by the Surrogate Courts Act, 10 Edw. VII. c. 31, ss. 32 and 33 in matters commenced in the Surrogate Court and transferred to the High Court and in