

nal law. Their Lordships would humbly advise His Majesty that that was the state of the law.

The fact that an exception was taken from the criminal law generally, and that it was expounded as being the constitution of courts of criminal jurisdiction, but including procedure in criminal matters, rendered it more clear (if anything were necessary to render it more clear) that, with that exception, which obviously did not include what had been contended for there, the criminal law, in its widest sense, was that which was reserved for the Dominion Parliament to enact.

With regard to the other questions which it had been suggested should be reserved for further argument, their Lordships were of opinion that it would be inexpedient and undesirable and contrary to the precedents which from time to time had been pointed to in the questions arising before that board, to attempt to give any judicial opinion upon them. They were questions which arose only when properly considered in concrete cases; and any opinion expressed upon the operation of those clauses and the extent to which they were applicable would be worthless for many reasons—they would be worthless as being speculative opinions as to what might arise in the event of particular facts occurring, bringing such and such facts within the operation of those sections. It would be absolutely contrary to principle and very inconvenient and inexpedient that opinions should be given upon these questions at all—they were questions which, when they arose, must arise in concrete cases, in which the rights of private individuals were involved; and it was extremely unwise beforehand for any judicial tribunal to attempt to exhaust all the possible cases and facts which might occur to qualify, cut down, and override the operation of particular words, when the concrete case was not before them. For those reasons their Lordships would decline to answer those questions. The main and substantial question was that on which their Lordships had already expressed their opinion—that this Ontario Act was beyond the jurisdiction of the Ontario Legislature. No order would be made as to costs.

FALCONBRIDGE, C.J.

JULY 20TH, 1903.

TRIAL.

ROGERS v. ROGERS.

*Contract—Setting aside—Improvvidence—Absence of Independent Advice.*

Action to set aside an agreement tried at Stratford.

F. H. Thompson, Mitchell, for plaintiff.