the Parliament of Canada had not, by its general power 'to make laws for the peace, order, and good government of Canada,' full legislative authority to pass it."

From that pronunciamento it is perfectly plain that in construing an Act the first question is: does the subject matter of it fall within the subjects of section 92? and if it does, that does not decide finally that it belongs to section 92. The further question then arises, whether or not, notwithstanding that it falls within section 92, it belongs to any of the enumerated classes of subjects in section 91, and so belongs to the jurisdiction of the Dominion Parliament? In the case of Parsons *vs.* The Queen, their Lordships said:

"The first question to be decided is, whether the Act impeached in the present appeals, falls within any of the classes of subjects enumerated in section 92, and assigned exclusively to the legislatures of the Provinces; for, if it does not, it can be of no validity, and no other question would then arise. It is only when an Act of the Provincial Legislature, *primâ facie* falls within one of these classes of subjects, that the further question arises, viz., whether notwithstanding that is so, the subject of the Act does not also fall within one of the classes of subjects in section 91, and whether the power of the Provincial Legislature is or is not thereby overcome."

According to the opinions expressed by their Lordships in these two cases, in regard to the distribution of power, under sections 91 and 92, there is first to be considered whether the subject matter of the Act falls within section 92; if so, the further question arises whether it does not fall within 91, and therefore comes under the jurisdiction of the Dominion Parliament; and then there is a third question; if it does, does the legislation passed by virtue of it overbear the legislation passed on the same subject by a Provincial Legislature. So, Sir, I submit that this is a fair question to be considered here. I do not pretend to decide it; I only call attention to it. Does the legislation of the Dominion Parliament, with reference to a matter of personal concern, submerge the legislation upon the same subject passed in a Province as a local and private matter, *quoad* the Province? The hon. gentleman from Prince Edward Island did not suggest that we might even have concurrent legislation. He said the Hodge case decided the matter finally, that the jurisdiction was in the Provincial Legislature, and not here, and he did not go so far as to say that it might be concurrent. Now, their Lordships said in the Parsons case:

"It could not have been the intention that a conflict should exist; and in order to prevent such a result the language of the two sections must be read together, and that of one interpreted, and, where necessary, modified, by that of the other. In this way, in most cases, it will be found possible to arrive at a reasonable and practical construction of the language of the sections, so as to reconcile the respective powers they contain, and give effect to all of them. In performing this difficult duty, it will be a wise course for those on whom it is thrown to decide in each case which arises, as best they can, without entering more largely upon an interpretation of the Statute than is necessary for the decision of the particular question on hand."

So, we see, according to the declaration of their Lordships that it is not in the contemplation of the Act that there should be a conflict of jurisdiction. That would seem to suggest, and it is practically suggested in the case of Hodge *vs.* The Queen, that the lesser power of the Local Legislature must give way. I do not say so, but I simply say that it is a fair inference from the reasoning of their Lordships in these cases. Further, I say that the British North America Act seems to imply, by the use of the word exclusively, not merely with reference to local jurisdiction, but with reference to Federal jurisdiction, that there is not a concurrence of jurisdiction, on any subject contained in sections 91 and 92. That view is further strengthened by the fact that in section 95 we find the following. The marginal note is:

"Concurrent powers of legislation respecting agriculture, &c."

The section itself states:

"In each Province the Legislature may make laws in relation to agriculture in the Province, and to immigration into the Province; and it is hereby declared that the Parliament of Canada may from time to time make laws in relation to agriculture in all or any of the Provinces, and to immigration into all or any of the Provinces; and any law of the Legislature of a Province relative to agriculture or to immigration shall have effect in and for the Province as long and as far only as it is not repugnant to any Act of the Parliament of Canada."

Here, Sir, we find an expressed stipulation in our Constitution providing for concurrent jurisdiction. The marginal notes styles it concurrent jurisdiction. The provisions of the Statute declare it to be concurrent jurisdiction. It is provided in that clause that in the event of the legislation of the Local Legislature being repugnant to that of the Federal Legislature, the legislation of the Local must give way. This exception seems to support the view that, in the event of a conflict between the jurisdiction of the Local Legislatures and the Federal Parliament, the pre-eminence is given in the matter of legislation to the Parliament of Canada. Now, there is a decision which seems to bear out that view. It is a decision rendered in a case about ten years ago in the Privy Council, and several times since has been referred to approvingly by their Lordships. It was an appeal in the case of "L'Union St. Jacques *vs.* Belisle," which arose in the district of Montreal, under these circumstances. This union was a benevolent or aid society. It provided that certain contributions should be sent in by workingmen to the society, and that certain provision should be made for the benefit of widows and children of deceased workmen. In the course of time the society became embarrassed, and it was necessary for it to obtain legislation in order to provide for the successful carrying out of its affairs. The society did not desire to go into insolvency, but to make such provisions as would enable them to pay less than the ordinary amount of their obligations, under the constitution and rules. They went to the Legislature of Quebec and obtained an Act authorizing the commutation of the claims against the society. Two of the widows having claims refused to accept these commuted amounts, and they brought action against the society, claiming that what the society had done was to go to the Legislature of Quebec for relief, and that the Legislature of Quebec had passed an Act practically dealing with the subject matter of insolvency, which is under the exclusive legislative jurisdiction of the Parliament of Canada. The case went to the Privy Council, and Lord Selbourne, who rendered the decision of their Lordships, declared that the subject matter of the Act did not come within the purview of insolvency; that the object of the Act was to avoid those subjects; that it was legal to bring the matter to the Province of Quebec, and that the Dominion had nothing to do with it. They decided that the Act of the Province was constitutional because it dealt with a local and private matter. In delivering judgment their Lordships expressed the following opinion which, in my view, has a strong bearing on this case:—

"The hypothesis was suggested in argument by Mr. Benjamine, who certainly argued this case with his usual ingenuity and force, of a law having been previously passed by the Dominion Legislature, to the effect that any association of this particular kind, throughout the Dominion, on certain specified conditions, assumed to be exactly those which appear to be on the face of this Statute, should thereupon, *ipso facto*, fall under the legal administration in bankruptcy or insolvency. Their Lordships are by no means prepared to say that if any such law as that had been passed by the Dominion Legislature, it would have been beyond their competency; nor, that if it had been so passed, it would have been within the competency of the Provincial Legislatures afterwards to take a particular association out of the scope of a general law of that kind, so competently passed by the authority which had power to deal with bankruptcy and insolvency. But no such law ever has been passed; and to suggest the possibility of such a law, as a reason why the power of the Provincial Legislature, over this local and private association, should be in abeyance or altogether taken away, is to make a suggestion which, if followed up to its consequences, would go far to destroy that power in all cases."

Now, Sir, I understand the meaning of this to be that in their Lordships' opinion, if there had been a general