

The right of the local Legislatures to regulate the liquor traffic within a Province, by means of licenses, having been recently held by their Lordships of the Privy Council, in an Ontario case (the Hodge case) to be fully authorized under the Constitutional Act, as a matter of municipal police, this ruling sustains the Provincial claim.

The opinion of the Supreme Court was also unsatisfactory, by reason of the absence of any principle to indicate the boundary line between the two jurisdictions. The several Provinces having a different standard of what would constitute a wholesale transaction in liquor, and distinguish it from a retail transaction, there would necessarily be great difficulty in applying such a rule.

The Provinces are all opposed to Federal interference, having separately legislated upon the subject of liquor licenses, and appointed their own License Commissioners. On the part of the Provinces, it is claimed that the Ontario Liquor License Act of 1877, having been sustained by their Lordships of the Privy Council, in *Hodge* and *The Queen*, that this decision in effect declares the invalidity of any Federal Liquor License Act, for the reason that there cannot and does not exist between these two legislative bodies a concurrent jurisdiction upon the subject-matter of Liquor Licenses; and, as the power to grant Liquor Licenses cannot belong to both, and as the jurisdiction over this subject-matter has been specifically assigned to the Provincial Legislatures by the Constitutional Act, the Federal Legislature is necessarily excluded from all jurisdiction over the same subject.

On the part of the Provinces, it is contended:—

That the Legislative powers are distributed between the two legislative bodies, as follows;

That specific powers are granted to each, under separate sections, by a special enumeration of the subjects-matter upon which each is authorized to legislate

That general powers are given to the Federal Legislature by the principal clause of one section, and that general powers are also given to the Provincial Legislatures by