

Now, without entering into the disputed question whether prohibition in itself is right or wrong, expedient or inexpedient, desirable or undesirable, the answer of the Government of Quebec to this question is a plain one; and their defence of the course they have pursued and are pursuing—if defence is required—is, it is submitted, conclusive. And the reply is this: Under the law of the Province of Quebec, as it now stands, assuming that law to be constitutional, municipalities have no power to prevent wholesale traffic, nor have the local authorities power to refuse wholesale licenses to those who properly apply for them. To do so would be in the apprehension of the Government to violate the law; and so their course has been and will continue to be to instruct the Revenue Collector, in all cases where a municipal by-law is in force, prohibiting retail trade, to refuse to issue retail licenses, until compelled to do so by the authoritative order of a court of last resort. In other words they propose to assume and stand by the constitutionality of articles 561 to 567 of the Municipal Code, till they are definitely pronounced invalid, a contingency much to be regretted should it occur. But further than this they cannot go. To instruct their officers to refuse to issue wholesale licenses, in the absence of an enabling statute, and indeed in the face of existing statutes, would be fraught with mischief, as in effect substituting the will of the Executive for the law of the land.

In *Ex parte Edson*, 7, L. N. page 68, Judge Brooks held, "That a municipal corporation had no power under Article 561 of the Municipal Code to prohibit the sale of intoxicating liquors within the limits of the municipality", and that a Local Legislature cannot prohibit the sale of liquors, but may only legislate exclusively upon this subject for the purpose of raising a revenue for provincial, local or municipal purposes. Again in case No. 114, *Three Rivers, Dussureau vs. Lasalle*, License Inspector, Judge Bourgeois condemned the license inspector, Lasalle, to grant the Plaintiff a license, on his tendering, with his certificate, the amount due for Provincial revenue purposes, notwithstanding the existence of a prohibitory by-law.

But it may be said, if the law as it now stands is insufficient to enable municipalities to prohibit the sale of liquor in all shapes within their limits, why is not the law amended, and why has no measure with that end in view been introduced into and passed by the Legislature? Here again the answer of the Government is plain. Granting, as they are disposed to do, that such a measure would be desirable, it is under our constitution, as interpreted by the highest authorities, one beyond the powers of a Provincial Legislature. To pass such an act in opposition to the repeated decisions of our courts—to pass it for the purpose of its disallowance by the Governor General, or to have it declared null by the first Court before which it came, would be an unmixed evil. If local prohibition in a wider sense than that granted by the Canada Temperance Act is