

their Lordships to be within the authority of the Dominion Parliament.

The question must next be considered whether the Provincial enactments of section 18, to any, and, if so, to what extent, come into collision with the provisions of the Canadian Act of 1886. In so far as they do, Provincial must yield to Dominion legislation, and must remain in abeyance unless and until the act of 1886 is repealed by the Parliament which passed it. The prohibitions of the Dominion Act have in some respects an effect which may extend beyond the limits of a province; and they are all of a very stringent character. They draw an arbitrary line at eight gallons in the case of beer, and at ten gallons in the case of other intoxicating liquors, with the view of discriminating between wholesale and retail transactions. Below the limit, sales within a district which has adopted the act are absolutely forbidden, except to the two nominees of the Lieut.-Governor of the Province, who are only allowed to dispose of their purchases in small quantities for medicinal and other specified purposes. In the case of sales above the limit the rule is different. The manufacturers of pure native wines from grapes grown in Canada have special favor shown them. Manufacturers of other liquors within the district, as also merchants duly licensed, who carry on an exclusively wholesale business, may sell for delivery anywhere beyond the district, unless such delivery is to be made in an adjoining district where the Act is in force. If the adjoining district happened to be in a different Province, it appears to their Lordships to be doubtful whether, even in the absence of Dominion legislation, a restriction of that kind could be enacted by a Provincial Legislature. On the other hand, the prohibitions which section 18 authorizes municipalities to impose within their respective limits do not appear to their Lordships to affect any transactions in liquor which have not their beginning and their end within the Province of Ontario. The first branch of its prohibitory enactments strikes against sales of liquor by retail in any tavern or other house or other place of public entertainment. The second extends to sales in shops and places other than houses of public entertainment, but the context indicates that it is only meant to apply to retail transactions, and that intention is made clear by the terms of the Explanatory Act, 54 Vict., c. 46, which fixes the line between wholesale and retail at one dozen of liquor in bottles, and five gallons if sold in other receptacles. The im-