

Liquor License Act of 1883, and an Act of 1884, amending that Act, were *intra vires* the powers of the Dominion Parliament. The Dominion Parliament had passed, in the year 1878, an Act called the Canada Temperance Act, which was also impeached as not being *intra vires*. That came before your Lordships for decision; and your Lordships decided that it was within the powers of the Dominion Parliament. I shall presently, of course, have to call attention to that Act and to that decision. Following upon that the Liquor License Act of 1883 was passed. The power of the Dominion Parliament to pass that Act was questioned, especially by reason of a subsequent decision of your Lordships with regard to an Act passed by one of the Provincial Legislatures; although in that latter case, as your Lordships will see, the previous decision, which held the Canada Temperance Act to be within the Dominion powers, was not only not intended to be departed from, but was expressly re-affirmed. In consequence of the question that was raised, the Liquor License Act of 1883 and the Amending Act of 1884 were suspended in their operation until it should have been determined by the Supreme Court whether they were or were not within the powers of the Dominion Parliament; and an Act was passed enabling the matter to be referred on the petition of the Governor-General, by the advice of his Privy Council, to the Supreme Court; and with the further provision that, if Her Majesty should see fit, it might be referred to your Lordships for final determination. The Governor-General in Council accordingly petitioned the Supreme Court of Canada. The matter was argued at length before that Court, and the Supreme Court held that the Acts were *ultra vires*.

Sir M. E. SMITH: With some exceptions.

Sir FARRER HERSCHELL: Mr. Justice Henry held they were *ultra vires* altogether; the other Judges with the exception of two sets of provisions, the one set relating to wholesale licenses and the other to vessel licenses. I shall have to deal with those exceptions by and bye. It is sufficient for the present purpose merely to state them.

Now, I think the most convenient course will be, inasmuch as the Canada Temperance Act, 1878, was the commencement of this Temperance Legislation and inasmuch as that Act has been held to be within the Dominion powers, first, to call attention shortly to the provisions of the Canada Temperance Act, 1878; then to point out what are the provisions of the Acts with which your Lordships have to deal—I think I may almost say “the Act”—because I do not think it will be disputed that if the