

ting up such fisheries, with the names of the persons who paid such penalties and the amount paid by each of them.—Carried.

THE LIQUOR TRAFFIC.

Mr. ROSS (Middlesex) moved an Address to His Excellency the Governor General for copies of all correspondence between the Government and the Lieutenant Governors of the different Provinces regarding the relative jurisdiction of the Dominion and Provincial Parliaments over the manufacture and sale of intoxicating liquors; together with all decisions of the Courts in the different Provinces bearing upon this matter. He said it was within the knowledge of every member of the House that the question of a Prohibitory Liquor Law had been for the last two or three years spoken of everywhere as one of great importance. Statistics had been laid before the House from foreign countries bearing on the liquor traffic. In coming down, however, to legislation, the advocates of prohibition had encountered difficulties of a nature to which he proposed to call attention. It was not within their power, until the establishment of the Supreme Court, to settle the question of jurisdiction. Owing to the peculiar nature of our Constitution the powers of the Dominion Parliament and Local Legislatures were so stated that it was impossible to say whether this House could pass a prohibitory liquor law or not. This question had been before the Courts in New Brunswick, where the power of the Provincial Legislature was decided by Mr. Justice Ritchie in the following words:

“To the Dominion Parliament of Canada is given the power to legislate exclusively on ‘the regulation of trade and commerce’ and the power of ‘raising money by any mode or system of taxation.’ The regulation of trade and commerce must involve full power over the matter to be regulated, and must necessarily exclude the interference of all other bodies that would attempt to intermeddle with the same thing. The power thus given to the Dominion Parliament is general, without limitation or restriction, and therefore must include traffic in articles of merchandize, not only in connection with foreign countries, but also that which is internal between different Provinces of the Dominion as well as that which is carried on within the limits of an individual Province. As a matter of trade

and commerce, the right to sell is inseparably connected with the law permitting importation. If, then, the Dominion Parliament authorize the importation of any article of merchandize into the Dominion, and places no restriction on its being dealt with in the due course of trade and commerce, or on its consumption, but exacts and receives duties on such importation, it would be in direct conflict with such legislation and with the right to raise money by any mode or system of taxation, if the Local Legislature of the Province into which the article was so legally imported, and on which a revenue was sought to be raised, could so legislate as to prohibit its being bought or sold, and to prevent trade or traffic therein, and thus destroy its commercial value, and with it all trade and commerce in the article so prohibited, thus rendering it practically valueless as an article of commerce from which a revenue could be levied.”

According to the opinion given by Mr. Justice Ritchie, it would appear with the Dominion Parliament rested the jurisdiction wholly. In a case tried in Ontario a different opinion seemed to be expressed by one of the judges. This was a case in which the power of the Local Legislature to pass such a law was decided. Chief Justice Richards made the following remarks:—

“We think, looking at the legislation by the Province of Ontario as applicable to the giving the powers of limiting the number of taverns in a municipality or prohibiting the sale by retail of spirituous liquors by shopkeepers in such municipality, that this is a power which may be properly exercised by the Local Legislature as a matter chiefly of policy, of a merely local and private nature, when it does not interfere with the sale of imported or manufactured liquors otherwise than as by retail.”

In their efforts to secure legislation with a view to finally prohibit the liquor traffic, the advocates of prohibition were met with the conflicting opinions of two learned Judges. In view of these facts, and in view also of the fact that by one clause of the Supreme Court Act, the power is admitted by the Government of referring cases of doubtful jurisdiction to that Court, it was thought desirable, in order to prepare the way to further action, to ascertain whether this Dominion Parliament or the Local Legislatures could prohibit the manufacture and sale of intoxicating liquors. That clause of the Supreme Court Act was as follows:

“It shall be lawful for the Governor in Council to refer to the Supreme Court for