

as he pleases with his own, cannot properly be regarded as legislation in relation to property or to civil rights."

Commenting upon this in *re* Richard 12 Can. Cr. Cas. 204 at 216, Duff J. of the Supreme Court of Canada said:

"Their Lordships, it is true, abstain from deciding the question whether the competence of Parliament to pass the enactment can be supported on the ground that it was passed in exercise of the exclusive power to legislate respecting the criminal law conferred by section 91 of the British North America Act, 1867. But it seems to me that there is no good ground for holding that, where Parliament under its power to make laws for the peace, order and good government of Canada declares in the interests of public order that certain acts shall be offences punishable by fine or imprisonment, the proceedings by which such laws are enforced are any the less proceedings in a 'criminal case' because in enacting them Parliament did not formally profess to be dealing with the criminal law."

The Manitoba Liquor Act of 1900 for the suppression of the Liquor traffic in that Province is within the powers of the Provincial Legislature, its subject being and having been dealt with as a matter of a merely local nature in the Province within the meaning of sub-sec. 16 of sec. 92 of the British North America Act, notwithstanding that in its practical working it must interfere with Dominion revenue, and indirectly with business operations outside the Province. (*Re* Liquor Act, 13 Man. L.R. 239, reversed.) *Attorney-General of Manitoba v. Manitoba License Holders' Association* [1902], A.C. 73.

In *Hodge v. The Queen*, 9 App. Cas. 117, where the validity of a local regulation prohibiting the playing of billiards in taverns on Sunday, made under a Provincial License Act, *Sir Barnes Peacock* said: "Their Lordships consider that the powers intended to be conferred by the Act in question, when properly understood, are to make regulations in the nature of police or municipal regulations of a merely local character for the good government of taverns, etc., licensed for the sale of liquor by retail, and such as are calculated to preserve in the municipality peace and public decency, and repress drunkenness and disorderly and riotous conduct. As such they cannot be said to interfere with the general regulation of trade and commerce, which belongs to the Dominion Parliament." Speaking of this case, the Chief Justice of Canada, in *Huson v. The Township of South Norwich*, 24 Can. S.C.R. at page 147, said: "That these words, 'municipal institutions,' do confer a police power to the extent of licensing and regulating was decided by the Privy Council in the case of *Hodge v. The Queen*."

A provincial law dealing with the prohibition of acts within its legislative authority may impose fine and imprisonment for infraction. *Union Colliery Co. v. Bryden* [1899], A.C. 580; *Cunningham v. Tomey Homma* [1903], A.C. 151; *Re McNutt*, 47 S.C.R. 259, 21 Can. Cr. Cas.