

other conceivable purposes were enumerated and traffic for those directly prohibited. In this way manufacturers are prohibited from selling to the dealers who have warehouses here for export trade. These manufacturers and these dealers cannot sell to parties in the province for export trade. They cannot sell to parties in Manitoba licensed by the Government of Canada to carry on the business of compounders here. . . . This legislation just as directly prevents sales for the purposes for which I have mentioned as it does for the purposes of local consumption. The effect is not incidental but direct. . . . The legislature seems to have considered it necessary for the purpose of rendering its enactment effective, to lay its hand upon the manufacturer as well as the export dealer, and to make them submit to regulations, which in some views may or may not be allowable. But all these things indicate that the Legislature in attempting to deal with what in some aspects may be a local matter has gone further. It does not seem possible even with the aid of s. 119 to interpret the Act so as to produce a narrower and purely local effect, and it certainly is not possible to pick out any one portion as severable from the rest."

To fully explain the concluding part of this extract I should refer, as perhaps I might better have done sooner, to s. 55, which provides that no one shall sell or deliver liquors of any kind to any person not entitled to sell liquor, and who sells such liquor, and who buys for the purpose of re-selling, and that no one shall take or allow anyone else to take or carry any liquor out of any premises where the same is lawfully kept for sale for the purpose of being sold in the province by any person except a druggist or retail licensee. Consequently the Act closes out dealers, other than druggists, from purchasing liquors in the province, even though they wish to deal with them purely for export trade; and this the Court holds is enough to prevent the Act being classed as one in relation to a merely local or private matter in the province. Now seeing that s. 119, which I have quoted above, so clearly indicates that it was not the intention of the legislature to affect bona fide transactions in liquor between a person in the province and a person outside, the conclusion would seem inevitable that unintentionally the provisions of the Act produce a result which was not aimed at.

The moral of the decision therefore seems to be that you cannot be too careful in the draughtsmanship of legislative Bills,

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