present case, we may refer to the case of *Poulin & The Corporation of Quebec*,* where Ch. Justice Meredith held that "the Provincial Legislatures, under the power given to them, may, for the preservation of good order in the municipalities which they are empowered to establish and which are under their control, make reasonable police regulations, although such regulations may to some extent interfere with the sale of spirituous liquors." And so he held that the provisions of a Statute "ordering houses in which spirituous liquors, &c., are sold, to be closed on Sundays, and every day between eleven o'clock of the night until five of the morning, are police regulations within the power of the Legislature of the Province of Quebec." That case came up to this Court and the judgment was confirmed. It supports the theory that a prohibitory liquor law may be within the powers of a local legislature, and it limits the generality of the doctrine of *The City of Fredericton & The Queen*, that Parliament can *alone* pass a prohibitory liquor law. It may be useful, and it is certainly fair to remark, that Ch. Justice Meredith argues that his decision in the Poulin case is not absolutely incompatible with the decision in the case of the City of Fredericton. Be this as it may, the case of Poulin does not decide that there may not be a prohibitory liquor law of such a character as to be really an interference with trade and commerce rather than a police regulation. Neither have we to decide that here, for we can see no distinction in principle between this case and that. Poulin's case limits the time during which spirituous liquors may be sold in Quebec, the By-Law under the Statute controls the class of persons who shall be allowed to sell them by the far from novel device of a tax. This tax is in the sense of sub-section 9, which therefore, to some extent, justifies the action of the Corporation, although sub-section 9 cannot be said to be the basis of the law, as was shown at the beginning of this note.

We hold, then, that under a proper interpretation of sub-section 8, the right to pass a prohibitory liquor law for the purposes of municipal institutions, has been reserved to the local legislatures by the B. N. A. Act.

We have suspended our judgment in this case for an unusual length of time, awaiting the decision of the Privy Council in the case of *Russell & The Queen*,* in the hope that we might find some rule authoritatively laid down which might help us in adjudicating on this case and in that of *Hamilton & The Township of Kingsey*. In this we have been, to some extent, disappointed. Their Lordships have remained strictly within the issues submitted to them, and have held that the Canada Temperance Act of 1878 does not interfere with Sub-Sections 9, 13, and 16 of Section 92 B. N. A. Act; but that it is an Act dealing with public wrongs rather than with civil rights, that it is a matter of general and not merely of a local or a private nature in the province, and that if it affects the revenues of a Province it is only incidentally. We need hardly say that this is only a very brief summary of their Lordships' argument, but their reasoning will command general assent, not only owing to the source from which it comes, but also from its cogency. The Judicial Committee then lays down that the Dominion can pass a general prohibitory liquor law; it has specially declined to lay down any rule as to the other Sub-Sections than those submitted and the one alluded to by Ch. Justice Ritchie; and therefore it has not either expressly or by implication maintained that the Dominion Parliament can alone pass a prohibitory liquor law, or rather a liquor law which is prohibitory except under certain conditions, as, for instance, subject to a license for the purposes of the revenue.

It may perhaps be said that, allowing the local legislatures to interfere in the prohibition of the sale of liquor, Parliament having generally dealt with the subject, might be inconvenient. In the particular case, we think no inconvenience is to be apprehended; but, even if it were otherwise, we should not be disposed to think an argument based on such an objection conclusive. The true check for the abuse of powers, as distinguished from an unlawful exercise of them, is the power of the central government to disallow laws open to the former reproach. Probably to a certain class of mind this interference appears "harsh" and provocative of "grave complications," as has been said; but this is hardly an argument in favour of the Courts

*7 Q. L. R. 337.

*5 Legal News, 234.