

body of its own creation must depend upon the legislative authority which it derives from the provisions of section 92 other than no. 8. Their Lordships are likewise of opinion that section 92, no. 9, does not give Provincial Legislatures any right to make laws for the abolition of the liquor traffic. It assigns to them "shop, saloon, tavern, auctioneer, and other licenses, in order to the raising of a revenue for Provincial, local or municipal purposes." It was held by this Board, in *Hodge v. The Queen* (9 App. Ca., 117), to include the right to impose reasonable conditions upon the licensees, which are in the nature of regulation; but it cannot, with any show of reason, be construed as authorizing the abolition of the sources from which revenue is to be raised. The only enactments of section 92 which appear to their Lordships to have any relation to the authority of provincial Legislatures to make laws for the suppression of the liquor traffic are to be found in nos. 13 and 16, which assign to their exclusive jurisdiction (1) "property and civil rights in the province," and (2) "generally all matter of a merely local or private nature in the Province." A law which prohibits retail transactions, and restricts the consumption of liquor within the ambit of the Province, and does not affect transactions in liquor between persons in the Province and persons in other Provinces or foreign countries, concerns property in the Province which would be the subject matter of the transactions if they were not prohibited, and also the civil rights of persons in the Province. It is not impossible that the vice of intemperance may prevail in particular localities within a province to such an extent as to constitute its cure by restricting or prohibiting the sale of liquor a matter of merely local or private nature, and therefore falling *prima facie* within no. 16. In that state of matters it is conceded that the Parliament of Canada could not imperatively enact a prohibitory law adapted and confined to the requirements of localities within the Province where prohibition was urgently needed. It is not necessary for the purposes of the present appeal to determine whether provincial legislation for the suppression of the liquor traffic, confined to matters which are provincial or local within the meaning of nos. 13 and 16, is authorized by the one or by the other of these heads. It cannot, in their Lordships' opinion, be logically held to fall within both of them.

In section 92, no. 16 appears to them to have the same office