

If that had been decided then the whole question would turn now upon whether our act is to be distinguished from that of New Brunswick. Indeed I ought to go so far as to admit that the more stringent provisions in ours in that case would be insufficient to take the case out of the operation of *Danahar v. Peters* if conditions added to a so called license act, in effect stopping the traffic, can be sustained on the ground that to hold such conditions *ultra vires* would be untenable as impeaching the *bona fides* of the legislature.

When the question is raised in the Supreme Court whether, regarding the different restrictions imposed on a trader willing to pay for a license and subject himself to police condition, before he procures the license, and afterwards in his hotel or shop, it is possible to comply with these provisions, one after the other, and run the gauntlet of them all and yet carry on the trade,—when this question arises, it will be necessary for all the sections of the act to be examined together to say whether the intention is not chiefly to curtail the habits of drinking. We can easily imagine many restrictions any one of which now added to the existing ones would put beyond doubt in every mind an intention to curtail and suppress or diminish the evils of drunkenness. If the Supreme Court were invoked on this ground would they come to the conclusion, as argued, that this is not the intention of the act or would they say that, though it is the intention, the act can be enforced to diminish and, if possible, suppress the evil.

For my own part I think the arguments shewing intention in the B. N. A. Act to confer on the province exclusive power to legislate on the subject of spirituous liquor, and to restrict and even to prohibit the traffic and promote temperance, very strong, and I need not say, but for the deliverance of the Privy Council, how I should be inclined to decide. If it appears clear that the decision of that highest court covers the case before us, we cannot, with all respect, however much the judgment in *Danahar v. Peters*, may impress us, even if it could not be distinguished, follow it.

The legislative question under any case we may have independent judgments convictions are the highest court of

I ought to point out because an act follows that the parliament of a federal system no body can give it

It is because an enactment now law to make it because I see temperance organizations if this class of appointment of of drink, that utterances of the

It becomes an opinion upon the whether it is the Legislature to criminal matters provided for the the power of follows, even in the Procedure question on w