

in another province or in a foreign country or to a licensee under the Act. Moreover, by s. 49, no one in Manitoba is to have or keep or give liquor in any place wheresoever, other than in his private dwelling house, unless he holds a druggist's wholesale or retail license under the Act, and then only as authorized by such license, with immaterial exceptions not necessary to notice here.

Now, it is true that by s. 119 it is specially declared that the Act is intended only to prohibit transactions in liquor which take place wholly within Manitoba, except under a license, or if otherwise specially provided, and to restrict the consumption of liquor within the province, but that it "shall not affect and is not intended to affect bona fide transactions in liquor between a person in the province of Manitoba and a person in another province or in a foreign country, and the provisions of this Act should be construed accordingly." But it is quite clear that a person in Manitoba cannot very well have "transactions in liquor" with persons in another province or in a foreign country, however great his bona fides, if he is prevented from either buying or keeping liquor in the province, pending such transactions, and he is so prevented under the Act in question, unless he is a manufacturer himself, acting under a Dominion license. Obviously, even though he holds a druggist's license such as provided for by the Act, it would not help him. Now, it is on this point that the actual decision turns. Here, then, is, as it seems to me, the salient passage in the judgment:—

"In cases of this kind we must look, I think, not only to the class in which we would place the evil dealt with but also to the remedy. This appears to me to be involved in the view that the power to act depends on local conditions. To enact a remedy which has a direct effect beyond the locality of the province is to encroach on the field of the Dominion parliament with reference to the same subject under its general powers. . . . The evils at which the Liquor Act appears to me to be directed are intemperance and its results. The remedy is to suppress traffic in liquors within the province except for certain purposes, and thereby to restrict consumption. This is worked out by licensing certain classes to sell for certain purposes or to those who are to use only for certain purposes, and by limiting sales by manufacturers and wholesale dealers, to licensees and to persons out of the province. By these methods, direct and indirect, traffic in the province is limited to certain purposes. This is, in effect, the same as if all the