

judges, and the Judicial Committee of the Privy Council is no more exempt from this wholesome discipline than any other court. But while we concede that there is the right to criticize, we think it must be equally admitted that, like all other rights, it has its correlative obligation, and the right in question ought to be exercised, not in a captious or malicious manner, but with the sole and honest desire to advance the cause of justice and truth, and the public good. It can hardly be for the public good to assail a court, however humble it may be, with sneers, or to insinuate that its decisions proceed upon a sort of *rule of thumb*, unless there is a very strong and palpable ground for so doing; still less can it be for the public good to attack the highest court of the empire in such a spirit, where the ground for so doing is neither strong nor palpable; but, on the contrary, to most sensible people will appear to have no foundation whatever.

It is for the purpose of demonstrating the absurdity and utterly foundationless character of this recent criticism of the Judicial Committee of the Privy Council that we propose to ask the attention of our readers to the cases of *Russell v. The Queen* and *Hodge v. The Queen* above referred to. In the first of these cases the power of the Dominion Parliament to pass what is known as the Canada Temperance Act was called in question. This Act, as is well known, enabled any county or city municipality to bring the Act into force within its limits, and when so brought into force it prohibited the sale of intoxicating liquor within the area of such municipality. The Judicial Committee came to the conclusion that the Act was *intra vires* of the Dominion Parliament. In the case of *Hodge v. The Queen* the question for the court was whether the Ontario Liquor License Act was *intra vires* of the Ontario Legislature, and the Judicial Committee determined that it was. Those who see an inconsistency in these two decisions seem to rest their conclusion on the ground that both of these enactments were directed to regulating the sale of liquor, both were of a prohibitive character, and they regard it as utterly impossible that the British North America Act can give to both the Dominion and Provincial Legislatures legislative power over any part of the same domain. According to the view of these critics the Act lays down a rigid line, on one side of which the Dominion has exclusive jurisdiction, and on the other the Provinces, and no subject which is on the Dominion