

have assumed to pass the said resolution, is beyond the authority of the Legislature of Ontario, and does not authorize the said resolution.

It will be observed that the question whether the Local Legislature could confer authority on the License Commissioners to make the resolution in question is not directly raised by the rule *nisi*. On the 27th June, 1881, that rule was made absolute and an order pronounced by the Court of Queen's Bench to quash the conviction. The judgment of the Court, which seems to have been unanimous, was delivered by Hagarty, C.J., with elaborate reasons, but finally it will be found that the decision of the Court rests on one ground alone, and does not profess to decide the question which on this appeal was principally discussed before their Lordships. The Chief Justice, in the course of his judgment, says:—

"It was stated to us that the parties desired to present directly to the Court the very important question whether the Local Legislature, assuming that it had the power themselves to make these regulations and create these offences, and annex penalties for their infraction, could delegate such powers to a Board of Commissioners or any other authority outside their own legislative body."

And, again, he adds:—

"We are thus brought in face of a very serious question, viz., the power of the Ontario Legislature to vest in the License Board the power of creating new offences and annexing penalties for their commission."

And concludes his judgment thus, referring to the resolutions:—

"The Legislature has not enacted any of these, but has merely authorized each Board in its discretion to make them.

"It seems very difficult, in our judgment, to hold that the Confederation Act gives any such power of delegating authority, first of creating a *quasi* offence, and then of punishing it by fine or imprisonment.

"We think it is a power that must be exercised by the Legislature alone.

"In all these questions of *ultra vires* the powers of our Legislature, we consider it our wisest course not to widen the discussion by considerations not necessarily involved in the decision of the point in controversy.

"We, therefore, enter into no general consideration of the powers of the Legislature to legislate on the subject; but, assuming this right so to do, we feel constrained to hold that they cannot devolve