

Legislature of Ontario had authority to impose conditions, as being matters of civil right, upon the business of fire insurance, which was admitted to be a trade, so long as those conditions only affected Provincial trade. Their Lordships do not find it necessary to re-open that discussion in the present case. [The object of the Canada Temperance Act, 1886, is not to regulate retail transactions between those who trade in liquor and their customers, but to abolish all such transactions within every provincial area in which the enactments have been adopted by a majority of the local electors. A power to regulate, naturally, if not necessarily, assumes, unless it is enlarged by the context, the conservation of the thing which is to be made the subject of regulation. In that view their lordships are unable to regard the prohibitive enactments of the Canadian statute of 1886 as regulations of trade and commerce. They see no reason to modify the opinion which was recently expressed on their behalf by Lord Davey in *Municipal Corporation of the City of Toronto v. Virgo* (1896, App. Ca., 93), in these terms:—"Their Lordships think there is a marked distinction to be drawn between the prohibition or prevention of a trade and the regulation or governance of it, and, indeed, a power to regulate and govern seems to imply the continued existence of that which is to be regulated or governed."] how far
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The authority of the Legislature of Ontario to enact section 18 of 53 Vict., c. 56, was asserted by the appellant on various grounds. The first of these, which was very strongly insisted on, was to the effect that the power given to each Province by no 8 of section 92 to create municipal institutions in the Province necessarily implies the right to endow these institutions with all the administrative functions which had been ordinarily possessed and exercised by them before the time of the union. Their Lordships can find nothing to support that contention in the language of section 92, no. 8, which, according to its natural meaning, simply gives Provincial Legislatures the right to create a legal body for the management of municipal affairs. Until Confederation, the Legislature of each Province as then constituted could, if it chose, and did in some cases, intrust to a municipality the execution of powers which now belong exclusively to the Parliament of Canada. Since its date, a Provincial Legislature cannot delegate any power which it does not possess; and the extent and nature of the functions which it can commit to a municipal