It is said the Supreme Court, or a majority of the Supreme Court, has held that it is competent for the legislature to attach conditions to a certificate of a petitioner so stringent as to effect actual prohibition, and the court would be powerless to interfere. Or, in other words, if the production of such a certificate is by the provincial law made a *sine qua non* for carrying on the trade, though practically it should be obvious that the requirements for getting such certificate are so stringent as to render its production impossible, we are prevented by that appellate court from holding this to be a prohibitory act.

And still further it is contended that that court is authority for saying that though the provisions of the provincial license law practically render it impossible to undergo the imposed operations of procuring a license and intolerable to attempt afterwards to sell, yet that these could only be said to be unreasonable, or apparently unreasonable provisions and it would be impossible to say that the intention was to prohibit, wholly or partially.

I think this would be torturing the language of the court. It has been suggested that if we should hold the provisions in our act *intra vires*, such a construction as this would not only encourage but enable the advocates of prohibition to secure other provisions which would render it needless to apply to the Dominion Parliament, the admittedly proper body to pass a prohibitory law.

I think it clear that all the Supreme Court decided on the subject of the New Brunswick license law was that, in the light of the two clauses relied on, however stringent those particular clauses might seem to be, they could not pronounce the intention of the act on that ground to have been prohibition, total or partial. The question here raised as to the scope of the act was not raised, so far as I can observe. I distinctly understand the contrary. The question whether, on the whole face of the act, taking into consideration all its provisions, it was not intended as a temperance act, within the principles to be deduced from the *Russell* and *Hodge* cases, was not discussed or decided.