

passed for the protection of the property dealt with itself, viz.: intoxicating liquors, nor for the purpose of merely affecting that property, and which dealt not so much with contracts for the sale of such property as with the purposes of such contracts, thus stretching out beyond the contracts themselves to deal with moral qualities and intentions, and which is not enacted for the purpose of directly avoiding contracts and thus affecting the material rights of the parties, but merely forbids certain transactions upon pain of punishment,—cannot be properly regarded as an Act in relation to property and civil rights in the province within No. 13 of s. 92. In this, the judgment simply applies to the Act before the court the reasoning of the Privy Council in *Russell v. The Queen* as to what is and what is not to be considered to be an Act within No. 13.

The Manitoba Liquor Act before the Court in the present case commences with a recital that it is expedient to suppress the liquor traffic in Manitoba by prohibiting provincial transactions in liquor, and then, as the judgment points out, proceeds mainly upon the same lines as The Canada Temperance Act, though purporting, of course, to be restricted in its operation to the province. It deals only with intoxicating liquors and expressly allows sales or dealings in such liquors for certain specific purposes of a scientific, medical and sacramental character, in very limited quantities, and under stringent conditions; but, except as so allowed, prohibits sales of and traffic in such liquors within the province of Manitoba and between parties in the province. It allows no sale of such liquors to persons within the province excepting by those who hold one or other of two kinds of licenses, viz.: either a druggist wholesale license or a druggist retail license; and, in either case, the licensee must be one who is authorized to engage in and who is lawfully engaged in the business of chemist and druggist as the true owner thereof. Now, it is provided that the holder of a druggist wholesale license may sell in such limited quantities only to one who buys for mechanical or scientific purposes, or to a duly registered medical practitioner, or to a druggist holding a druggist's retail license, but to no other; and, the holder of a druggist's retail license is only authorized to sell liquor for medical and sacramental purposes. By s. 51 even brewers and distillers or other persons holding a Dominion license for the manufacture of such liquors may only sell liquors so manufactured by them to a person