

Dominion Parliament, but the retail trade was merely a municipal regulation, and therefore belonged to the Provincial Legislatures. So far as the licenses are concerned, the decision of the Supreme Court of Canada in the Severn-Brewer case, so far as it went, implied that Provincial Legislatures had little or no control over them, and the inference on all sides was that the Dominion Parliament must pass a general act, which was done in the adoption of the Scott Act.

Of course the present case will not stop where it now lies. The Supreme Court of New Brunswick is the highest Court in that Province, and its judgment is binding until reversed by a higher court. The Supreme Court of Canada is a higher court, and it is probable that the case will be at once appealed to it, and argued there. Its judgment will be a final decision of the case,—that is if the judges give a fair decision on the merits of the case, and not some mere put off, as they seemed so much inclined to do in the brewers' license case of this Province. Had our Supreme Court in that instance given a judgment or opinion covering the whole ground of jurisdiction in regard to the whole license question, as they were requested to do by both the Minister of Justice of the Dominion and the Attorney-General of this Province, the present difficulty, and confusion, and large expense, could have been avoided. However, as it is, there is no remedy but to follow the case through the tortuous course of our courts, so as to get some decisive authority in regard to the undecided question of jurisdictions. Like a number of other important legal questions of the relative powers of our Dominion and Provincial Governments, it must be decided some time, and the sooner it is definitely done the sooner will it be known just what steps are necessary for the future.

So far as Fredericton is concerned, we suppose there will be free trade in the sale of liquors until this question is definitely

settled. The decision does not affect the other Provinces. The fact is, that at the present time there are judgments on record given by the highest courts of Ontario and of one of the other Provinces pointing in opposite directions, and we doubt not but in another Province a different judgment might be obtained: The question is therefore an open one until our highest court has given its judgment. If it then is decided that the present law is defective, there will be some further legislation asked at once, either of the Dominion or Provincial Legislatures, or it may be concurrent legislation by both.

Two years ago the following resolution was adopted by the New Brunswick House of Assembly:

"That it is desirable that the Government should take the necessary steps to ascertain the powers of the Legislature of this Province as to granting or withholding of licenses to sell spirituous liquors."

The Dominion Minister of Justice, when urged to obtain an opinion, argued that it would be much more desirable to get a judgment on "a live case" than an opinion on an abstract question, which would not be so thoroughly argued. The matter has come to that at last, and we sincerely trust that our authorities will consider the question one of sufficient importance to get a definite and satisfactory decision, once for all, so that there need be no further suspense or delays of action because of the technical matter of jurisdiction.—*The Casket*.

A Change in Boston.

THE *Witness* says: "The Civil Damage Act is, in Boston, causing an entire change in character of eating houses. A large number of dining places will, it is said, change their leases within a week or two on this account, the owners of the buildings declining to sign the bonds of the liquor-selling lessees, and thus make the real estate liable for any damage caused by the sale of liquor in their establishment which may be recovered by course

of law. A second and more favourable result is the abolition of beer-pumps and cider-taps in respectable eating-rooms. This law reaches the licensed victualers as no other can. Many of them are impecunious, or have their money so invested that it could not be taken hold of, while the owner of the real estate rented it at a much higher rate than could be obtained for other purposes without any risk. Now, the risk is divided, and if the immediate agent of injury to his customer is not able to pay the damages which the law gives the injured family, the estate itself is held responsible. Already it seems as if it were working to advantage, and the step is likely to prove one in the right direction, but a step merely, for it is not prohibition pure and simple, the goal of all such steps?

—A Quebec correspondent of the *Witness* writes that a Quebec boy recently took the first prize for gymnastic and athletic exercises in Malvern College, England, in a contest with over two hundred young men. In regard to his success, he writes to his friends at home: "Teetotal is much the best system; I do believe that is the reason I won the gymnastic first prize. All the fellows trained on a certain amount of bitter ale; I took nothing but water—of course tea, morning and night, porridge at breakfast, meat at dinner, and tea and no butter."

—The *Social Reform*, alluding to the Irish Sunday Closing movement says:—"The Irish publicans are suffering severely by the operation of the Sunday Closing Act. They are trying to frighten the farmers by stating that in consequence of the Act barley has gone down 18 per cent., and the editor of the *Banner* shows that they might as well have included all other agricultural produce, as it has been going down since 1877; and he predicts that the barley dodge must fail."

—True courage is doing the right when the wrong would be to our advantage.