

we extract it from *Sessional Papers of Quebec*, 1886, Vol. III, No. 50. The text of the case submitted to the Judicial Committee is not given, but it was probably similar in substance to that submitted to the Supreme Court of Canada, which was as follows:—

## CASE.

The following questions are referred by his Excellency the Governor-General-in-Council to the Supreme Court of Canada for hearing and determination, in pursuance of the provisions of the 26th section of 47 Vict. ch. 32, intituled, "An Act to amend the Liquor License Act, 1883:—"

1st Question:—Are the following Acts, in whole or in part, within the legislative authority of the Parliament of Canada, viz. : (1) The Liquor License Act, 1883; (2) An Act to amend "The Liquor License Act, 1883."

2nd Question:—If the Court is of opinion that a part or parts only of the said Acts are within the legislative authority of the Parliament of Canada, what part or parts of said Acts are so within such legislative authority?

AT THE COURT AT WINDSOR CASTLE.

December 12, 1885.

PRESENT:—THE QUEEN'S MOST EXCELLENT MAJESTY; LORD PRESIDENT; LORD GEORGE HAMILTON; MR. PLUNKET.

Whereas, there was this day read at the Board a Report from the Judicial Committee of the Privy Council, dated Nov. 21 last past, in the words following, viz. :—

"Your Majesty having been pleased, by your Order-in-Council of the 19th May last past, to refer unto this Committee the humble petition of the most honorable Henry Keith Petty Fitzmaurice, Marquis of Lansdowne, Governor-General of the Dominion of Canada, humbly praying that a Special Case and the decision of the Supreme Court of Canada upon the same, with reference to the competence of the Canadian Parliament to pass the Acts 46 Vict. c. 30, and 47 Vict. c. 32, in whole or in part, may be referred by your Majesty to this Committee to report thereon; The Lords of the Committee, in obedience to your Majesty's special order of reference, have taken the said humble petition into consideration, and having heard counsel thereupon for the

Dominion of Canada, and likewise for the Lieutenant-Governors of the respective provinces of Ontario, Quebec, Nova Scotia and New Brunswick, and having been attended by the agents for British Columbia, their Lordships do this day agree humbly to report to your Majesty, as their opinion in reply to the two questions which have been referred to them by your Majesty, that the Liquor License Act, 1883, and the Act of 1884 amending the same, are not within the legislative authority of the Parliament of Canada.

"The provisions relating to adulteration, if separated in their operation from the rest of the Acts, would be within the authority of the Parliament; but as, in their lordships' opinion, they cannot be so separated, their lordships are not prepared to report to your Majesty that any part of these Acts, is within such authority."

Her Majesty having taken the said report into consideration was pleased, by and with the advice of Her Privy Council, to approve thereof and to order accordingly. Whereof the Governor-General of the Dominion of Canada, the Commander-in-Chief, and the Lieutenant-Governors of the respective provinces of the Dominion for the time being, and all other persons whom it may concern, are to take notice and govern themselves accordingly. (Signed)

C. L. PEEL.

## APPEAL REGISTER—MONTREAL.

Wednesday, June 26, 1889.

*Leduc & Graham*.—Petition for leave to appeal rejected; Dorion, C. J., and Bossé, J., diss.

*Sigouin & Religieuses de l'Hôtel Dieu*.—Petition for leave to appeal granted.

*Edison Electric Light Co. & Royal Electric Co.*—Judgment confirmed, Bossé, J., diss.

*Pigeon & Cour du Recorder*.—Judgment confirmed.

*Evans & Lamb*—Judgment confirmed as to the encroachment, and reversed as to costs of survey. Costs in Court below to respondents; costs in appeal in favor of appellant.

*La Mission de la Grande Ligne & Morrissette*.—Appeal dismissed with costs.