

A careful comparison of the gist of the decisions thus stated will do much towards removing the difficulty that surrounds the subject; but in order to get a full apprehension of the points involved it will be necessary to consider the arguments which are given in support of the decisions.

"The sole question" in *Russell v. The Queen* (as pointed out in *The Queen v. Hodge*) "was whether it was competent to the Dominion Parliament, under its general powers, to make laws for the peace, order and good government of the Dominion, to pass the Canada Temperance Act, 1878, which was intended to be applicable to the several Provinces of the Dominion, or to such parts of the Province as should locally adopt it. It was not doubted that the Dominion Parliament had such authority under sec. 91, unless the subject fell within some one or more of the classes of subjects which by sec. 92 were assigned exclusively to the Legislatures of the Provinces.

"It was, in that case, contended that the subject of the Temperance Act properly belonged to No. 13 of sec. 92, "Property and Civil Rights in the Province," which it was said belonged exclusively to the Provincial Legislature, and it was on what seems to be a misapplication of some of the reasons of this Board in observing on that contention that the applicant's counsel principally replied. These observations should be interpreted according to the subject matter to which they were intended to apply.

"Their Lordships, in that case, after comparing the Temperance Act with laws relating to the sale of poisons, observe that: 'Laws of this nature designed for the promotion of public order, safety or morals, and which subjects those who contravene them to criminal procedure and punishment, belong to the subject of public wrongs rather than to that of civil rights. They are of a nature which fall within the general authority of Parliament to make laws for the order and good government of Canada.'

"And again:—'What Parliament is dealing with in legislation of this kind is not a matter in relation to property and its rights, but one relating to public order and safety. That