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DIARY FOR FEBRUARY.

1. Mon....Hilary Sittings of Divl. Court of Q. B. and C. P. [Div. begin. Sir Edw. Coke born 1552.
5. Fri.....W. H. Draper, and C. J. of C. P., 1856.
7. Sun*6th Sunday after Epiphany.*
10. Wed....Canada ceded to G. B. 1763. Union of U. & L. C. 1841.
11. Thur...Last day for giving notice for next sitting of Div. Court, Ch. Div.
13. Sat.....Hil. Sittings of Divl. Cts. Q. I & C. P. Div. end, [unless extended by Ct.
14. Sun*6th Sunday after Epiphany.*

TORONTO, FEBRUARY 1, 1886.

THE rumoured appointment of Mr. Gorst to the Bench in England has not been made. Our readers will therefore please strike out his name in our sheet almanac, and insert that of Sir William Grantham. Also note that the sittings of the Supreme Court of Canada begin on February 16th, May 14th and October 26th, instead of January 18th and June 7th as there stated.

WITH reference to the question whether the late decision of the Privy Council with respect to Sir John A. Macdonald's Liquor License Act in any way affects the validity of the Scott Act, we have been favoured with a printed copy of the draft of a Bill, and of an opinion or argument prepared by a well-known draftsman for, and given to a member of the Dominion Parliament at the time the Scott Act was on the tapis. The preamble to the Bill and the opinion seem to indicate the motive of Parliament in dealing with the subject, and establish its authority to deal with it. The preamble and opinion are as follows:—

Preamble.—Whereas the statistics of crime in Canada show clearly that the greater number of criminals become such by the intemperate use of

intoxicating liquors, for which the too great facilities afforded by taverns or places, licensed or unlicensed, where such liquors can be readily obtained, offer temptations which many cannot resist, and which it is necessary for the repression of crime and immorality to remove; and inasmuch as it has been found that they cannot be removed by any system of licensing, and the system of partial prohibition by municipal action, tried in Ontario and Quebec, can be adopted only in those Provinces, and is there found inefficient from defects which the powers of the Provincial Legislatures do not enable them to remedy; and it is necessary to make provisions on the subject which shall be common to the whole Dominion.

Opinion.—The power of the Dominion Parliament to interfere and the necessity of its interference are briefly set forth in the preamble. Parliament alone has power to deal with trade and crime. Drunkenness is a crime by Act of the English Parliament, passed before Canada became a British Province, and is the parent of all the more violent offences. Where there is power to punish crime there must be power to prevent it. There is morally no crime in carrying arms, or in playing a game of cards in a railway car, and yet Parliament has passed laws to prohibit either, because either may lead to crime,—and in the case of contagious diseases of animals it has given the Governor in Council power to make provisions on subjects usually entrusted to the municipal authorities (32, 33 V., c. 37), and has expressly enacted (s. 21) that the order of the Governor, relative to an infected place shall supersede any order of a local authority inconsistent with it. It has prohibited the sale of intoxicating liquors where public works are being carried on; and has the same right to prohibit or regulate the sale elsewhere, for the same purpose,—the prevention of crime. Many more instances of such legislation by our Parliament might be adduced. Indeed, the avowed purpose of criminal law is to prevent crime rather than to punish it; it is punished to prevent its occurrence.

There were some provisions in this draft Bill which might, perhaps, have been adopted with advantage, but they do not affect the point in question.

It may, we think, fairly be said that sufficient attention has not been paid to