

the Dominion from legislating respecting any article covered by such licenses were to prevail, laws necessary for the public good or the public safety could not be enacted at all.

Does not the reference of Sir Montague Smith to "temperance" in the preamble and the above phrases shew the opinion of the Privy Council to be that all temperance laws, or laws for the public good or safety, or in other words, morality and good order in the community, are exclusively within the power of the Dominion, and therefore that the province cannot pass such laws? Otherwise what mean the words "could not be enacted at all?"

In referring to the act in question, (the Canada Temperance Act,) he says:

"It has in its legal aspect an obvious and close similarity to laws which place restrictions on the sale of poisonous drugs, or of dangerously explosive substances."

Does not this shew the opinion of the Privy Council to be that an act which places restrictions on the sale of a deleterious substance, namely, intoxicating liquors, is exclusively for the Dominion.

Then the court proceeds with these suggestive words:

"A law placing restrictions on their sale, custody or removal, on the ground that the free sale or use of them is dangerous to public safety, and making it a criminal offence punishable by fine or imprisonment to violate these restrictions, cannot properly be deemed a law in relation to 'property.' What parliament is dealing with is not a matter in relation to property and its rights, but one relating to public order and safety."

Is this not a declaration as distinct as it can be made, by the highest court of appeal, that a law restricting the sale or custody of spirituous liquors, because the free sale or use of them is dangerous to public safety, cannot be passed by the province, but can only be enacted by the Dominion? I am not arguing that it is so, but that the Privy Council has held it to be so.

Then the judgment further states that laws making it a criminal offence "for a man to set fire to his house, on the