

porter or manufacturer can sell any quantity above that limit, and any retail trader may do the same provided that he sells the liquor in the original packages in which it was received by him from the importer or manufacturer. It thus appears that, in their local application within the Province of Ontario, there would be considerable difference between the two laws; but it is obvious that their provisions could not be in force within the same district or Province at one and the same time. In the opinion of their Lordships, the question of conflict between their provisions which arises in this case does not depend upon their identity or non-identity, but upon a feature which is common to both. Neither statute is imperative, their prohibitions being of no force or effect until they have been voluntarily adopted and applied by the vote of a majority of the electors in a district or municipality. In *Russell v. The Queen* (7 App. Ca., 841) it was observed by this Board, with reference to the Canada Temperance Act of 1878—"The Act as soon as it was passed became a law for the whole Dominion, and the enactments of the first part, relating to the machinery for bringing the second part into force, took effect and might be put in motion at once and everywhere within it." No fault can be found with the accuracy of that statement. *Mutatis mutandis*, it is equally true as a description of the provisions of section 18. But in neither case can the statement mean more than this—that on the passing of the Act, each district or municipality within the Dominion or the Province, as the case might be, became vested with a right to adopt and enforce certain prohibitions if it thought fit to do so. But the prohibitions of those Acts, which constitute their object and their essence, cannot with the least degree of accuracy be said to be in force anywhere until they have been locally adopted. If the prohibitions of the Canada Temperance Act had been made imperative throughout the Dominion, their Lordships might have been constrained by previous authority to hold that the jurisdiction of the Legislature of Ontario to pass section 18, or any similar law, had been superseded. In that case no provincial prohibitions such as are sanctioned by section 18 could have been enforced by a municipality without coming into conflict with the paramount law of Canada. For the same reason provincial prohibitions in force within a particular district will necessarily become imperative whenever the prohibitory clauses of the Act of 1886 have been adopted by that district. But their