

might be applicable to one part of the Dominion and not to another. This, however, was a general law, although its provisions were not to be brought into operation at the same time throughout the whole Dominion. The real question arose, Has the Dominion Parliament power to prohibit the sale of intoxicating liquor? It was contended that this was strictly a Temperance Act, passed solely for the promotion of temperance, and that the sale of spirituous liquors and the granting of licenses therefor, and laws for the prevention of drunkenness, were within the exclusive powers of the local legislatures. If the Dominion Parliament legislated strictly within the powers conferred by the British North America Act they had no right to enquire what motive induced Parliament to exercise those powers. This statute declared that the Dominion Parliament had power to make laws for the peace, order and good government of Canada in relation to all matters not coming within the classes of subjects assigned exclusively to the Legislatures of the Provinces. If, then, Parliament in its wisdom deemed it expedient for the peace, order, and good government of Canada so to regulate trade and commerce as to restrict or prohibit trade or traffic in intoxicating liquor, it mattered not, so far as they were concerned, nor had they the right to enquire whether such legislation was prompted by a desire to establish uniformity of legislation with respect to the traffic dealt with, to increase or diminish such traffic, to diminish crime, or for the promotion of temperance, or to in any other way regulate trade or commerce within the scope of the legislative power confided to Parliament for securing the peace, order, and good government of Canada. The effect of a regulation of trade might be to aid the temperance cause, but that would but make the legislation *ultra vires*, if the enactment was a regulation of trade and commerce. The power to make the law was

all they could judge of. The recital of the object of the Act contained in the preamble could not in any way affect the enacting clause. His lordship pointed out that the Dominion Parliament had control in matters relating to trade and commerce, and the importation and manufacture of spirituous liquors; and with reference to this particular traffic, he held that if it had power to regulate, it had also power to prohibit. It had been contended that if the Dominion Parliament had the right to prohibit this traffic, it would interfere with the right of the Local Legislatures to grant tavern and shop licenses granted them under the British North America Act, and to deprive them of the revenue derived therefrom. If they precluded the Dominion Parliament from legislating with respect to that branch of trade and commerce, carried on in intoxicating liquor, they would take away the right to regulate alike foreign and internal commerce. When the Dominion Parliament, in its undoubted right, adopted legislation which interfered with local legislation, then the latter must give way. Legislation respecting trade and commerce was not to be overridden by local legislation with reference to any subject over which power had been given to the Local Legislatures. He pointed out that it was also clear that the Local Legislatures had not power to prohibit, and mentioned that this had been very clearly decided in a case which came up for trial when he was on the New Brunswick Bench. He had then held the opinion that this power belonged to the Dominion Parliament, and he thought so still. He was consequently of opinion that the appeal should be allowed.

Mr. Justice Fournier, in a few words, announced his concurrence in the views of the Chief Justice.

Mr. Justice Henry dissented, holding that the Act in question was a usurpation of power by the Dominion Parliament, and an interference with Provincial rights.

Mr. Justice Taschereau con-

tended that any subject not specially assigned to the Local Legislatures was vested in the Dominion Parliament. He concurred with the Chief Justice.

Mr. Justice Gwynne also concurred, and the Chief Justice announced that the appeal would be allowed with costs.

Ingersoll on Intemperance.

INTEMPERANCE cuts down youth in its vigour, manhood in its strength, and age in its weakness. It breaks the father's heart, bereaves the doting mother, extinguishes natural affection, erases conjugal love, blots filial attachments, blights parental hope, and brings down mourning age in sorrow to the grave. It makes wives widows, children orphans, fathers fiends, and all of them paupers and beggars. It feeds rheumatism, arouses gout, welcomes epidemics, invites cholera, imports pestilence, and embraces consumption. It covers the land with idleness and crime. It fills your jails, supplies your alms houses, and demands your asylums. It engenders controversies, fosters quarrels, and cherishes riot. It crowds your penitentiaries and furnishes victims for the scaffolds. It is the blood of the gambler, the element of the burglar, the prop of the highwayman, and the support of a midnight incendiary. It countenances the liar, respects the thief, esteems the blasphemer. It violates obligations, reverences fraud, and honours infamy. It hates love, scorns virtue and slanders innocence. Incites the father to butcher his helpless offspring, and the child to grind the parental age. It burns up men, consumes women, detests life, curses God and hates heaven. It suborns witnesses, nurses perfidy, defiles the jury-box and judicial ermine. It bribes votes, disqualifies voters, corrupts elections, pollutes our institutions, and endangers government. It degrades the citizen, debases the legislator, dishonours the statesman, and disarms the patriot. It brings shame, not honour; terror, not safety; despair,