

hearing or consideration, any matter whatsoever, as he may think fit; and the Court shall thereupon hear and consider the same and certify their opinion thereon to the Governor in Council."

It would be universally admitted, so far as the importation of intoxicating liquors was concerned, this House alone had jurisdiction, but in the matter of the manufacture and sale the conflicting opinions of the two judges justified them in seeking for the decision of the Supreme Court. It might be said in taking this course, the advocates of prohibition were abandoning the ground they had taken. He contended they had not. They had always insisted that the liquor traffic, like others, was capable of being regulated by law, although it was surrounded by many difficulties. They thought the power of the law on behalf of temperance and sobriety was sufficiently important to justify them carrying on this agitation to accomplish the object they had in view. Every right-thinking man would agree with him, that if this question belonged of right to this Parliament, they should know it as early as possible, but if it was not within their power to prohibit the manufacture and sale of intoxicating liquor, they should know this also, in order that the time and attention of hon. members might not be occupied with the discussion of subjects beyond their jurisdiction. In moving the resolution, he hoped that hon. members would consider that he proposed taking the proper course, preparing the way step by step for the legislation which they and so many in this country considered to be advisable, and which he thought hon. members would sustain the very moment they felt the country was ready for the inauguration of a prohibitory liquor law. Without further remark he begged to move the resolution.

Hon. Mr. BLAKE was not aware that any correspondence on this subject existed, and of course over the decision of the courts they had no control. Steps however would be taken to procure reports of such decisions as could be ascertained to have been pronounced. As far as this was concerned, the Government had no objection to the motion; but with reference to the suggestion thrown out, and which he beg-

ged pardon for supposing was the principal object of the motion, he had to point out that it was a very serious question indeed to propose to utilize for the purpose which the hon. gentleman mentioned the power by which the law enabled the Governor in Council to refer matters to the Supreme Court for consideration. This was an Appellate Court, formed for the purpose of determining the correctness or inaccuracy of the decisions of the various provincial tribunals and that class of cases which might be brought before these tribunals for adjudication, and which might afterwards come before it in the proper and normal discharge of its functions as a Court of Justice. It was obvious that it would be a serious matter, in the performance of these duties, for it to give a preliminary opinion under this exceptional power, without all the advantages, and without those aids to arriving at a correct conclusion, to be found in the presentation of a case—narrowed, if you will, but also made more clear by the ordinary forms in which cases were presented to the courts, both as to issue and as to argument; also by the process of decision and of judgment in the inferior courts; and lastly made more clear by the argument in the court above. All our notions of the dispositions of our rights before the courts, were based — and rightly in his opinion — on the theory that even the most learned and most intelligent of judges would but very imperfectly discharge their duty if unaided by the reflections of counsel on either side. No one, or few at least, would be willing, he fancied, in important and delicate matters, to entrust their interests into the hands of a judge for his decision, on the bare statement of the case, without taking care to present an argument; and yet he knew of no means by which, in the exercise of this peculiar power invested in the Governor in Council, they would be able to have an efficient argument before the Judges of the Supreme Court, and present all sides of an important question like this, so as to be sure of a judgment after a full discussion of the matters at issue. There was another strong objection to submit, as a general rule, to such reference to the Supreme