member for Rouville propose? It proposes that upon a petition by a limited number, presented to one of the Commissioners, and on his being satisfied—as the Governor in Council would be under the Scott Act—that the requisition has been signed by electors duly qualified and registered, he will call a meeting of the electors to vote for or against the prohibition, and upon the result of that vote, the law will be determined in that particular municipality. I see no objection to carrying out that proposal. If hon. gentlemen opposite were serious, if they were not simply attempting to embarrass those who are endeavoring to make a good license law——

Mr. BLAKE. In maintaining the decision of the Committee.

Mr. McCARTHY. My hon. friend is actuated by the express purpose of embarrassing those who have endeavored to give, and have given, the best liquor law ever given to any House. His friends have been in power in Ontario for years with a large majority, and whatever view may be taken of this Bill, it is a great step in advance of anything adopted in that Province. My hon. friend was in power for four years, and the result was the Scott Act, which has proved wholly inefficient. He is now endeavoring to embarrass those people who take a different view from him, but who are as true friends to the cause of temperance as he or any of his friends. What we have to decide is, whether we shall accept the amendment. If the Committee believe it is wise we should pass an insufficient prohibitory law of this kind, I have no objection to allow these areas to be made smaller than by the provisions of the Scott Act. The question is whether it is wise, at this late hour, to attempt to pass a law which, no doubt, will require amendment and be dealt with thoroughly at the next Session.

Mr. DESJARDINS. I do not wonder that in a Bill of this kind, we must meet with difference of opinion. For my part, I am afraid that if the amendment be adopted, it would create so much difficulty and expense in the municipalities that it would be effectively doing away with the clause altogether. As far as our experience in the Province of Quebec goes, local option has worked much better than the Scott Act. We find that local option has worked better than the Scott Act, because where local option was adopted, public opinion was strong enough to sustain the law to its fullest extent, while it has often happened that where the Scott Act was adopted, the law has been a failure, because it was in advance of public opinion, so that the good effect we expected from a vote in a large area was practically nullified. In view of these circumstances, I think the 46th clause ought to be accepted, more especially as we have accepted the same principle in the 32nd clause. If it is found that such a provision would not be beneficial to temperance, I would suggest that instead of a majority, the petition should be signed by two-thirds of the electors. Since we have adopted the principle for a single license, I think we should adopt it for the whole; it reflects the same opinion and it ought to have the same weight in one as in the other. I would, therefore, move as an amendment to the amendment: "That no license shall be granted for the sale of liquors within the limits of a municipality or parish, if there is deposited in the office of the Chief Inspector a petition signed by two-thirds of the electors."

Mr. FOSTER. This is a very important question, and I do not think it is any reason, because it is late in the night and late in the Session, that we should pass this over without first discussing it as fully as the case demands. The question of local option with reference to licenses for the sale of liquors, is now a recognized one in almost all Anglo Saxon countries. If we look at Great Britain, as has been said by my hon. friend opposite, we will find that local option principles have made great progress within the last few years. In 1864, Sir Wilfrid Lawson first brought up the idea of local prohibition. The fight has been carried on, and the first victory was won in 1880, when the British Parliament passed a local option resolution, by a majority of 26; in 1882, the resolution was carried by a majority of 46, while in 1883 it passed by a majority of 87. In 1883, there was no counter motion in direct opposition to it, and the mover of the resolution, as well as many who spoke upon it, laid down the doctrine, from which they would not depart, that the people in certain areas—and these not very large areas—ought to be the supreme and ultimate arbiters as to whether they should have any liquor shops in their midst, how many they should have, and the character of them. I think that is something which may guide us as well in our deliberations. In New South Wales, in Sydney, and I think in Victoria, they have a local option clause in their local Acts. I know of very few Liquor Acts in the United States which have not this local option clause, giving to the small municipalities the right of prohibition within their areas. But I put the strongest argument for the recognition of the principle of local option upon what we already possess in the Dominion of Canada. We have heard a good deal about vested rights, we have heard a good deal about putting violent hands upon vested rights. Now, my hon. friend who has charge of this Bill, stated here in Committee, that he differed from other members of the Committee with reference to this clause, and, as I differed from him, I may also state my views in this Committee. I was strongly in favor, in Committee, of the local option principle being applied. When the so-called Scott Act was passed in 1878, it was made applicable simply to counties, but at the same time it did not take from Quebec, nor from Nova Scotia, nor from any other Province in the Dominion, any power which they possessed by virtue of their existing laws, and it was a good argument and could not be impugned—that these other laws that then existed, and about the validity of which there was no question, should remain for the smaller municipalities, and one would be given which was fitted for the larger municipalities, for the county, and for the city. That makes quite a difference in this matter. Now, if we look at vested rights, what do we find? Down in Nova Scotia at this moment, no man can obtain a license unless he gets two-thirds of the ratepayers to sign his application, and unless this is endorsed by two-thirds of the Grand Jury, and then it goes before the Sessions, which may ultimately refuse to grant the request. By the License Law of New Brunswick, if the majority in any municipality petition against licenses, no license can be granted. If you go to Quebec, you find that in the cities of Montreal and Quebec the majority petitioning against any single license may block it. In municipalities, a majority sending in a petition may block a license, while the municipal councils have also the right to prohibit within their areas. If we go over to Manitoba we find still greater restrictions; a man has to get sixteen out of twenty of the nearest resident householders to sign his certificate before he can get his license, and if five put in a petition against it, the license cannot issue. In British Columbia you find, outside of Victoria, that two-thirds of the persons over twenty years of age have to sign a certificate before the license can be granted. Now, what I wish to impress upon this Committee is this: that these are vested rights, and they are just as dear and precious rights as are the financial or nominal vested rights of any person who keeps a hotel and sells liquor across the bar. We must look at these facts, and I think it would be a very harmful thing, a very monstrous thing—if you will permit me that expression—that we should legislate these rights away from these six Provinces and not give them a fair equivalent in return. Now, I am not wedded to the manner in which this return shall be expressed. What I want is to have the principle acknowledged and embodied, I do not care very much whether it is by petition or by open vote. Some pre-