

Mr. McCARTHY. He holds a license as auctioneer.

Mr. BLAKE. From the local authorities—but local licenses to sell liquors, it cannot be possible.

Mr. ROSS (Middlesex). It is absurd to allow an auctioneer to sell at not less than two gallons. It will give him an opportunity to distribute liquors among those attending the auction in order to induce them to rush business.

Mr. McCARTHY. An auctioneer has frequently to sell general goods, amongst them general liquors, and it would be absurd, because he may happen once in twelve months to be called on to sell liquors that he should have to take out a liquor license. He is not permitted to sell in quantities less than two gallons.

Mr. McMULLEN. Supposing a grocer, who has no license, employs an auctioneer to sell for him twice a year. He may sell a large quantity of liquor that way, and allow his customer to take it away in half a gallon at a time. The customer can plead that he bought that under the auctioneer's hammer, and can remove it when he likes.

On section 5,

Mr. CAMERON (Victoria). I think the fourth sub-section should be omitted, which says that in the event of a tie the chairman shall have an additional or casting vote. As there are only three Commissioners, assuming they are all present, there never could be a tie. If there are only two present and they differ, I think they should be required to let the subject lie over until the third Commissioner was present. It seems to me improper to give one man the votes when on any special occasion one of the Commissioners happens to be absent.

Mr. McCARTHY. I do not agree with my hon. friend. The scheme of the Bill is that these Commissioners should form a court to hear applicants for, and complaints against, the granting of a license in open court. If, from any cause, one of the three is unable to attend, through sickness or otherwise, it would practically render it impossible for the court to adjourn the matter. I see no great objection to a Judge, in a case where a Judge sits, having a casting vote.

Mr. CAMERON. I have a strong opinion on the subject and should like to take the sense of the Committee. It seems to me, in a tribunal composed of only three members, absurd to give one of them two votes in the case of the absence of a third; if there is a difference of opinion there can be no great detriment in letting the matter lie over until the third one is present. I move that sub-section four of section five be omitted from the Bill.

Mr. McCARTHY. If the Judge be one of the two Commissioners sitting in the absence of a third, it would be very inconvenient for the Judge to go back, more especially if, as in some of the Provinces, he may have to attend from a long distance. In the Maritime Provinces and Quebec one Judge sits for more than one county, and possibly may have to sit on two or three License Boards.

Mr. CAMERON. If the matter was of such importance that the two Commissioners could not agree, they could do their ordinary business and wait until the third one was present.

Mr. AUGER. Have we a right to force an officer, acting under authority of the Local Legislature, to act on this Board? The Warden is an officer of the Local Legislature.

Sir JOHN A. MACDONALD. No; he is elected by the people.

Mr. AUGER. Yes, but he acts under Provincial laws. He is elected by the people, but that election takes place by virtue of a Provincial law. Suppose he refuses to act?

Mr. Ross (Middlesex).

Mr. HALL. That refers to a subject to which I intended to call the attention of the Committee, and not only to the case of one of these persons refusing to act, but also to the case of the death or absence of one of those consenting to act. There should be some provision for filling vacancies caused either by refusal to act or by absence or death. I quite agree with the suggestion that a Judge of the Superior Court in Quebec ought not to be pressed to act as Commissioner on this Board. I think the Government should retain a certain discretionary power in making appointments. It would not be wise to enact that the Registrar in any case should be selected as the Chairman of the Board. I can easily conceive a case where a Judge might decline to act, and where the Registrar might not be a suitable person; and I would suggest that in the Province of Quebec a discretion should be allowed to the Governor in Council to select either a Judge, if the Judge is willing to act, or the District Magistrate in those counties where a District Magistrate resides, or the Registrar acting in the county. The Government then could exercise a wise choice in filling vacancies.

Mr. CURRAN. A suggestion has been made that the Prothonotary, of whom there is only one in each judicial district, should be the person selected instead of a Judge of a Superior Court, or even the Registrar. In judicial districts there are frequently several Registrars, and the Government in making a second appointment would have to decide which Registrar it should be. Therefore the Prothonotary, who is invariably a man of education and standing, would be an excellent officer in that respect. There is another small change that would need to be made, in Section a where the Judge of the Sessions of the Peace is referred to. In the city of Montreal there are two Judges of the Sessions, while there is only one in Quebec.

Mr. BLAKE. This Bill provides that one of the members of the Board should be the Judge of the county. We know that the electoral districts and the counties do not correspond. The Judge must be Judge of a county of which no part of the district, if it be an electoral district, is composed. The same observation applies to the provision as to the Warden of the county. The Warden of which county is to be president of the Board?

Mr. McCARTHY. There is no necessity for having a license district for every electoral district. Take the county of York in which there are several electoral districts, one Licensing Board would be quite sufficient for the whole county—I do not mean including Toronto—and so with respect to other counties.

Mr. ROSS (Middlesex). Is it not a mistake to appoint a Judge as one of the Commissioners. We hear many complaints about Judges being overworked, and having many duties to discharge. They have to revise voters' lists, do Surrogate Court work, and discharge other duties; and, besides, I notice by this Bill a Commissioner is disqualified, if a Justice of the Peace, to sit on any license trial. A Judge who may be one of these Commissioners, may have a case on appeal tried before him. He will then be sitting on the trial of a person whom he has licensed to sell intoxicating liquors. He will therefore be called on to act in two capacities, which is in violation of the principles of the Bill, and it will be a mistake to overload the Judges with extra duties. I do not think, moreover, it will add to the dignity and influence of the Bench to be so overloaded with these duties, and the Judges are not exceedingly anxious to have these duties imposed on them. I do not mean to say that the Judges are not competent to discharge the duties, for they are very well qualified, if they have time and opportunity, and the circumstances would permit them, to attend to these duties. But there are other officers of high standing and good