

the hon. member from Rouville to some extent provides for the appointment of a returning officer, and so forth—if there is anything inconsistent, the provisions of the forty-sixth clause would prevail.

Bill recommitted and reported.

On motion for third reading,

Mr. PATTERSON (Essex) moved:

That the Bill be re-committed to a Committee of the Whole in order to amend the same, as follows:—

Provided that when under colour of any Provincial Law there are at the time of the passing of this Act more licenses issued, than by the limit provided by this Act is permitted, the same number of licenses may be issued until the 1st day of May, 1886, the limit not to exceed one for every full four hundred beyond one thousand of the population.

Mr. McCARTHY. I think if the hon. gentleman would accept the limitation to those municipalities in which more have been issued, so as not to make it general for the two next years, that it would not be unreasonable. We have recognized with regard to shop licenses the principle that the law would not go into force so as to destroy the property of people who have invested under the authority of the existing law. Now, for several years in Ontario, the law has been that for every 400 of population beyond a thousand there might be one licensed house. We thought one for every 500 was enough, and I think in the long run it will be found that our principle is the better one. But if my hon. friend would say that in those municipalities where more than the limited number of licenses prescribed by law is now issued, just as with regard to shops, I do not think it would be unreasonable to say that after two years they should continue to issue within the judgment of the Board of Commissioners.

Mr. FOSTER. Before this goes to a vote I would like to make one or two observations. If this passes, especially on the ground on which it has been urged by the mover of the amendment, it will recognize the principle and doctrine of vested rights, and hereafter it will be impossible by any authority to lessen the number of licenses already existing without taking into account the vested interests of the persons who have been engaged in the traffic. If you go back to Great Britain, where the idea of vested rights is probably as deep seated as anywhere, you will find by a decision which was given not long since in the Court of Queen's Bench—

MEMBER INTRODUCED.

The following member, having previously taken the oath according to law, and subscribed the roll containing the same, took his seat in the House:

Hon. JOSEPH ADOLPHE CHAPLEAU, member for the electoral district of Terrebonne, introduced by Sir John A. Macdonald and Sir Hector Langevin.

Mr. FOSTER. I was proceeding to state that in Great Britain, where, perhaps, this idea is as deeply rooted as anywhere, by the latest decision given by the Court of Queen's Bench, the opposite to that idea was very forcibly brought out. The case was that of the Over-Garven Licensing Board. At the last session of that Board it was decided to strike off thirty-four of the licenses that had already been granted. There was nothing against the character of the persons or against the houses, which were properly kept, but on the ground of public utility these thirty-four licenses were struck off. An appeal was taken against the magistrates' decision, on the ground that it was interfering with vested rights, and the decision rendered by all the courts was that the Licensing Board had a perfect right, on the ground of public utility, to strike off those licenses. I say it would be attaching an unfortunate condition to the future action of Parliament, to declare that, although it might be held desirable in the public interest

that the number of licenses should be reduced, that the number could not be reduced except with regard to those limitations and conditions. I hope this will not be the decision of the House, and that we will not have this precedent before us to harass us in respect to future legislation.

Sir LEONARD TILLEY. I think the hon. gentleman's motion is directed more particularly to Ontario. The operation of this law in some parts of New Brunswick, take my own constituency as an example, will be to reduce, by one half, the number of licenses granted, and the result of adopting this amendment would be to make the law inoperative until 1886.

Mr. PATTERSON (Essex). I observe in the Bill reported by the Committee, of which the hon. member for King's (Mr. Foster) was an active member, that sub-section 2 of clause 75 reads as follows:—

No shop license shall be granted to any person to sell liquors in any store, shop, place or premises where groceries or other merchandize are sold, or exposed for sale, or in any store, place or premises, connected by any internal communication with such first mentioned store, shop, place or premises: Provided always, that this sub-section shall not apply to any licenses having a license at the time of the passing of this Act, prior to the first day of May in the year one thousand eight hundred and ninety.

I should like to know on what principle the time for shop licenses has been extended to 1890, and the time for hotel licenses should not be extended to May, 1886. I think the case of hotel-keepers is a much harder one than that of holders of shop licenses. The latter are engaged in other businesses, but the hotel-keeper has only that to depend on, and his property is not adapted to any other purpose; and I submit, that these considerations should be duly weighed by the House. I think the principle recognized as applicable to shop licenses should be applied in a modified degree to the case of hotels.

Mr. ORTON. I see nothing unreasonable in the amendment proposed by the hon. member for Essex (Mr. Patterson). I do not think we should press hardly on persons engaged in this business, and it must be remembered that the law heretofore existing in Ontario practically encouraged men to engage in that business to a certain limit; and I think it is not unreasonable, when a certain principle has been extended in regard to shop licenses, that the same principle should be extended to those keeping houses of public entertainment. It is only asking two years grace for those individuals. Parliament should not act in a spirit of persecution, but in the cause of temperance it should act with leniency.

Mr. McNEILL. We have already recognized the principle of compensation with regard to shop licenses, and we should recognize the same principle in regard to the matter covered by the amendment. I supported the resolution of the hon. member for Victoria (Mr. Baker) because I felt that a great number of persons would otherwise be driven into poverty. We should act in this matter as mercifully as possible, and there is no reason why we should put this Act into operation as cruelly as possible. Many people will be very much injured as regards their property if some such provision as this now proposed is not inserted in the Bill. I will, therefore, vote for the amendment with much pleasure.

Mr. ROSS (Middlesex). I hope that the House will not adopt this amendment. We have declared ourselves adverse to this principle in the case of Victoria, British Columbia. We are trying to frame a law which will apply uniformly to the whole Dominion and be based upon principle; and now we are, instead of retaining that principle, continuously seeking to evade it and shirk it by various amendments and compromises. I hope that the amendment will not prevail.