

referred to have been declared to be *ultra vires* by the decision of the Supreme Court of Canada. By the original Act it was provided that any of the parties concerned, the Dominion or any of the provinces, might, if they saw fit, appeal to the Privy Council in any event, no matter what the decision of the Supreme Court might be. From that decision an appeal has been taken by the Dominion, and the Provinces of Ontario, Quebec, British Columbia, and I think New Brunswick, have joined against it. That appeal has been set down for argument in November next. We tried to get it set down for argument in July, and the Attorney General of Ontario was anxious that it should be argued in July; but the ultimate fixing of the time for the argument, which rests with some of the officers of the Privy Council of Her Majesty, was for November, and we may look for a decision of the question between then and the next session of Parliament. Even had the argument taken place in July, we should not have had a decision before the long vacation. The decision of the Privy Council is referred to in the schedule attached to the Bill, together with the questions and the story of the hearing and the name of the judge who dissented from the opinion of the Court, and who thought that the whole Act was *ultra vires*.

HON. MR. SCOTT—The hon. gentleman has referred to certain portions of the Act as being in the doubtful category of *ultra vires*. My recollection of the Act is that it embraces 147 clauses, and that all except three of the clauses, which profess to supplement the Temperance Act of 1878, are embraced in the portions decided as being *ultra vires*. This Act has been a confusing Act from the time it was put on the Statute book. The Government were warned at the time that their Act was *ultra vires*; still they persevered, and made a vast amount of confusion throughout the country by issuing licenses under it. I think that it was due to Parliament that the Government, in suspending the Act at all, should have suspended the whole of it, because it does seem absurd that the ceremony of appointing a board of commissioners, and a number of persons named as Government officials all over the Dominion simply to look after

three or four clauses of a Statute consisting of 147 clauses, should have been entered upon; and it would have been much more in keeping with the dignity of the Government if they had suspended the whole Act until the final adjudication had been arrived at. We should not have had this absurdity, a Government Board of Commissioners which had nothing to do except to embarrass and confuse still further the provisions of the Canada Temperance Act—because that undoubtedly is their mission, and nothing else, simply to embarrass that Act and bring it into discredit, and create confusion. Presumably the appointment of the Board was to carry out the decision of Parliament in issuing licenses under the Act.

HON. MR. PLUMB—I would like to ask the hon. gentleman by what authority the Government were warned that this Act was *ultra vires*?

HON. MR. SCOTT—I, on several occasions, was one of the authorities myself; and a number of gentlemen in the House of Commons gave the Government warning—every gentleman that looked into the question gave the Government warning. This question came up in 1883 in the Speech from the Throne; if the hon. gentleman will consult the record of that date he will find what my views were then; that the Government were assuming to act in this matter of license over which they had no possible control, and I called attention to the indignity that was offered to the Representative of the Queen in making this announcement that the Parliament of the Dominion was to look after the licensing of the public houses all over the country.

HON. SIR ALEX. CAMPBELL—The hon. gentleman's opinion is not conclusive, and when he says that the Government were warned, and that he was one of those who warned them, it is assuming a rather high and lofty position, and speaking from a standpoint higher than any of our people occupy. He warned us! The hon. gentleman says that the whole of the Act should be suspended. In his ardor for his Temperance Act he speaks as if all who attempted to lay their hands on it