

On section 4,

Mr. BLAKE. Why is section 36 repealed?

Mr. McLELAN. The copy on which I have been working does not contain this section, and I move that it be struck out.

Bill reported,

LIQUOR LICENSE ACT.

Sir JOHN A. MACDONALD moved the second reading of Bill (No. 134) respecting the Liquor License Act, 1883.

Mr. CAMERON (Huron). I regret the hon. gentleman has not specified clearly the portions of the Liquor License Act of 1883 which the court declared to be *ultra vires*. I could not do so in the motion I submitted; I simply took the general phraseology the hon. gentleman has adopted. A good deal of difficulty and doubt will necessarily arise under the operation of the Bill. For instance, it has been held by some courts in the Dominion, that a portion of the Act of 1883 supersedes the Act of 1878, especially that portion relating to prosecutions for violations of the law. That question ought to be settled beyond reasonable doubt. Either the clause in the Act of 1883 should be continued or that in the Act of 1878 should be repealed. There are other questions of great gravity which necessarily come up for discussion here. I propose to draw the hon. gentleman's attention to one or two. The hon. gentleman has authorised a Board of License Commissioners to enforce the law this year. In Huron, which is a Scott Act county, having adopted the Act by a majority of 1,600, the board undertook to enforce the Act. The hon. gentleman in the Act of 1878 provided that in counties where it was adopted liquor could be sold for certain purposes only, medicinal, art and manufacturing, and only on the certificate of the proper authority. The sale of liquor cannot be effected without a license obtained from the board, and if my memory serves me right the board have the power to license either a druggist or some other vendor. In the Act of 1883, there is a provision, I think section 84, enabling a druggist to sell without license or certificate up to a certain quantity, six ounces, and to sell any quantity above that with the necessary certificate. The intention was that in Scott Act counties there should be no liquor sold for medicinal, art or manufacturing purposes except by the druggist where one could be obtained. In the town of Goderich there are four druggists, three of whom applied for a license to sell liquor, under the Temperance Act, but the commissioners refused to give a license to any of them, and licensed instead two tavern keepers, not the best in the county. In the village of Dungannon with a population of 200, licenses were given to two old tavern keepers. In Clinton licenses were given to two tavern keepers; in Seaforth licenses were given to a wholesale whiskey dealer and a tavern keeper. In Exeter, to a wholesale whiskey dealer. Throughout the county of Huron, which has three, four or five druggists in each town and a druggist in every village, the Board of License Commissioners refused to license a single druggist. But on the other hand, they licensed in each case the old tavern keepers. That is simply an outrage in a Scott Act county. If the board have the right to act thus under the law, the hon. gentleman ought to amend the law and confine the sale of intoxicating liquors, in Scott Act counties, to the druggists, where there are druggists in the municipality; if there are none, of course there would be no option but to license somebody else. It is clear, however, that no one contemplated that the people who would be licensed to sell liquor would be tavern keepers. We have a tavern keeper in the town of Goderich, who keeps his tavern away from the business part of the town, so that an individual who went to a druggist to get a pre-

Mr. McLELAN.

scription on a doctor's certificate could not, if intoxicants were prescribed, get his prescription completed at a druggist, but would have to travel to the docks, a mile distant, to this tavern keeper's place who sells liquor. I trust the hon. gentleman will make some amendment by which outrages of the kind could no longer be perpetrated. I do not suppose that he knew anything about these matters, but the facts are as I have stated. If my memory serves me aright, only two licensed druggists are allowed in towns, two for every 4,000 inhabitants in cities, and one in each other municipality; yet in the village of Dungannon, with only 200 people, there are two men selling liquor. Liquor cannot be obtained except on a medical certificate, but these are obtained by wholesale sometimes. One medical man in my county gave certificates so freely that the hon. gentleman's own Board of License Commissioners had to notify tavern keepers to whom they had given a license that they were not to accept the certificates of this doctor, because liquor instead of being vended by retail under his certificate was being vended by wholesale. I knew of the case of a person who went to this doctor to obtain a pint for medicinal purposes, and he gave him a certificate for a gallon, and it was only when the man went to the liquor vendor that he found out he had the certificate for the larger quantity. This shows the necessity to confine the sale of liquor to the druggists in the locality. There is not so much danger of the law being violated where the vending of liquor is confined to the druggists. They are generally men of respectability, and they have an interest in keeping up that respectability; but, if you allow the ordinary tavern keepers to sell liquor, as they are permitted to do in my own county, it is better to repeal the Scott Act at once and have no liquor license law at all.

Mr. SPROULE. I am glad to see that the hon. member for West Huron (Mr. Cameron) is getting some light on this subject, even though at a late date. When the Bill to amend the Canada Temperance Act was before the House, the hon. member for Dundas (Mr. Hickey) and myself endeavored to get a clause introduced to allow druggists to dispense liquor for medicinal purposes only. I drew attention to the fact that, though there might be one or more druggists in the place, a license might be granted to a tavern keeper or some other person, and the druggist might not be allowed to dispense liquor at all, and I said I thought it better to confine the dispensing to druggists or medical men, and to so amend the law that others should not have the opportunity of selling it. I think the member for West Huron voted against that amendment, giving that power to druggists.

Mr. CAMERON (Huron). They have it now.

Mr. SPROULE. No, I do not understand that they have it or will have it. A number of the hon. gentleman's political friends contended that it was impossible for any violation of the law to occur under the Bill then proposed to the House. I contended that it was possible and very probable. Now, the same thing is coming to light that was predicted would come to light, and the same evils have arisen that it was predicted would arise. I think it is very important that such a change should be made. It must be evident that, if the right to sell for medicinal purposes is given to a hotel keeper, he is very likely to violate the law, because he has the opportunity of keeping liquor about the premises; but if it were confined to druggists to dispense in small quantities on the prescription of a physician, it is not so likely that the law will be violated or that any great amount of liquor will be sold other than is required for medicinal purposes.

Sir RICHARD CARTWRIGHT. I wish to call the attention of the First Minister to the facts which my hon. friend