

emissions. Surely this judgment has more importance upon the question before us last Session than the judgment in *Russell vs. The Queen*. The question which was before us last Session was—What are the powers of the Local Legislatures with reference to the issue and regulations of licenses? That was the question. The hon. gentleman said they have no powers to regulate licenses—that they had no powers except with reference to the raising of revenue for municipal or provincial purposes; and he said: I prove it by saying that a particular judgment goes to show it. Now, we have got a judgment which shows this precise point. And as the hon. gentleman would not put this judgment, which does not go to show, but which does show, into the Speech, I do not propose to move in amendment that it be inserted, because that would be contrary to the *bien-séance* of parliamentary life, as we understand it to-day, but I will read it. After explaining, or attempting to explain, the decision in *Russell and The Queen*, and the principles on which that decision was founded, and coming down to the point in question:

"Their Lordships proceed now to consider the subject matter and Legislative character of Sections 4 and 5 of the revised Statutes of Ontario. That Act is so far confined in its operations to municipalities in the Province of Ontario, and is entirely local in its character and operation. It authorizes the appointment of License Commissioners to act in each municipality, and empowers them to pass, under the name of Resolutions, what we know as By-Laws, or rules to define the conditions and qualifications requisite for obtaining tavern or shop licenses for sale by retail of spirituous liquors within the municipality; for limiting the number of licenses; for declaring that a limited number of persons qualified to have tavern licenses may be exempted from having all the tavern accommodation required by law, and for regulating licensed taverns and shops, for defining the duties and powers of License Inspectors, and to impose penalties for infraction of their Resolutions. These seem to be all matters

of merely a local nature in the Province, and to be similar to, though not identical in all respects with, the powers then belonging to municipal institutions under the previously existing laws passed by the Local Parliaments.

"Their Lordships consider that the powers intended to be conferred by the Act in question, when properly understood, are to make regulations in the nature of police or municipal regulations of a merely local character for the good government of taverns, &c., licensed for the sale of liquors by retail, and such as are calculated to preserve in the municipality, peace and public decency, and repress drunkenness and disorderly and riotous conduct. As such, they cannot be said to interfere with the general regulation of trade and commerce which belongs to the Dominion Parliament, and do not conflict with the provisions of the Canada Temperance Act which does not appear to have as yet been locally adopted.

"The subject of Legislation in the Ontario Act of 1877, Sections 4 and 5, seem to come within the heads Nos. 8, 13, and 16, of Section 92 of British North America Statute, 1867.

"Their Lordships are therefore of opinion that in relation to Sections 4 and 5 of the Act in question, the Legislature of Ontario acted within the powers conferred on it by the Imperial Act of 1867, and that in this respect there is no conflict with the powers of the Dominion Parliament."

Now, what the hon. gentleman averred was that it was the case according to his opinion, and that it was judged by *Russell vs. The Queen* that a Local Legislature could not pass any law to decide who should have a license, or how many licenses should be issued, or with reference to hours, &c.—that all they could do was to impose a license fee for provincial and municipal purposes, and that any body who chose to pay that fee, so far as the Local Government was concerned, must be entitled to a license and could not be restricted. That was the hon. gentleman's proposition. I say that proposition is condemned conclusively by the judgment I have just now read. As I have said before, the hon. gentleman is a centralizer. I dare say he may ask