

which we are sorry to hear of from the hon. gentleman from Prince Edward Island, and from the hon. gentleman from Halifax, is prosperous. The consensus of opinion in this House and in the other branch of the Legislature, and the general feeling is, undoubtedly that there is prosperity displayed all over the country. That we are indebted to a kind Providence for that, nobody is more willing to acknowledge than the Government; all that we claim credit for is that we were not idle—that we did what we could. We were not content with the philosophy which seemed to content the hon. gentleman and his colleagues when they were in office; we thought something could be done, and we did everything that we could do to deserve the blessings of Divine Providence, and we have certainly the satisfaction of knowing that there has been a state of prosperity brought about which we are now enjoying—which they failed to bring about, at all events, during the time they held office. Now, with reference to the remarks that my hon. friend has made regarding the subject of the liquor law I quite admit that on that subject nobody in this House or in the other House is entitled to speak with more authority. The hon. gentleman has missed the paragraph on which it is based. The judgment to which he alluded is based on this, and I think I can put it to the House in a few words: the British North America Act gives to the Local Government the power to deal with shop, tavern and auction licenses for the purpose of raising a revenue. It is a well understood rule in law that when you express an object of that kind you exclude all other objects; that is the rule upon which every lawyer relies for the construction of such a phrase as that, and therefore when you find that in this section of the Act the jurisdiction over the subjects of shop, saloon, tavern, auction and other licenses is given to the Local Legislature only for one purpose, the inference is that it is not given to them for any other purpose. That is the view which it presented to the Court upon the occasion to which my hon. friend refers, and it was only in reference to that case that the judgment was pronounced which he has quoted, and which I propose to quote a word or two from also. It is with reference to that view that the learned Court used this language:—

“With regard to the first of the classes, No. 9, it is to be observed that the power of granting licenses is not assigned to the Provincial Legislatures for the purpose of regulating trade, but ‘in order to the raising of a revenue for provincial, local, or municipal purposes.’”

The Act in question is not a fiscal law; it is not a law for raising revenue; on the contrary, the effect of it may be to destroy or diminish revenue, indeed it was a main objection to the Act that in the city of Fredericton it did in point of fact diminish the sources of municipal revenue. It is evident, therefore, that the matter of the Act is not within the class of subject No. 9, and consequently that it could not have been passed by the Provincial Legislature by virtue of any authority conferred upon it by that sub-section.”

Now that fact is elaborated in another judgment given by the Court, and the question is presented very strongly indeed, and the doubt is entertained by legal minds very gravely, whether or not the strict construction of the act is not the one which I have mentioned—that for all other purposes than the one of raising a revenue, that subject is under the jurisdiction of this Parliament. The hon. gentleman says, “did you ever hear of this point being taken before during the twenty years which have elapsed since Confederation?” I admit that nobody has heard of this point being taken before, but it is only by degrees you can have an interpretation of an act of this kind. I am only amazed that we have got on so well with the construction which has been placed upon the act from time to time; it has been for the most part done by general consent, and I am only surprised that we have had so few discussions, so few differences with reference to the general construction. It is a remarkable thing that during twenty years so many points have been settled in accord and so few have formed the subject of litigation. The Government will not allow the hon. gentleman opposite to take to himself the sole credit for being in favor of temperance and sobriety. We, also, are in favor of temperance and sobriety, but the difficulty is this—on this point the question arises, and has arisen—who is armed with authority to deal with this subject? Supposing that at this moment anyone established a tavern in Ottawa and refused to take out a license from the Local Government, but was willing to tender the sum they were entitled to—in the view of many lawyers as able as the hon. gentleman, he