

"Because it is a violation of the fundamental principles of the Act, which where adopted, prohibits the sale of all intoxicating liquors for beverage purposes; and because the Act has already been adopted in good faith by the Electors in 61 Counties and Cities of the Dominion, believing that under the express provisions of the law it would continue in force unimpaired for three years, and would then only be repealed by the same authority which adopted it; and the passing of the amendment would be a breach of faith on the part of Parliament with the Electors of these Counties and Cities; and further because the amendment is in direct opposition to the wishes of a large portion of the Electors of the Dominion as manifested by the petitions presented to Parliament."

I cannot fancy reasons being given which are less based on knowledge of the constitution and of parliamentary law than these are. They presuppose a sort of compact between Parliament and a certain portion of Her Majesty's subjects who may have voted for the Temperance Act in certain localities and that this compact binds Parliament to those people not to interfere with or alter the law for three years. It is not only incorrect in itself, but it is a violation, it strikes me, of all those principles which are recognized by constitutional lawyers. It rests with Parliament to deal with those things. Even if Parliament had passed a law not to change this Act in any way for three years, it does not bind any other Parliament. We could come here and legislate upon it. It is open for us to do what we think best for the whole country now. We legislate as we please about it and we are not bound by what was done last session or former sessions, and there is nothing in the constitution by which Parliament has entered into a compact not to do anything which might be considered desirable in the public interest, and, besides, this message misrepresents it as the law as it stands. The law as it stands Parliament has not pledged its faith not to interfere for three years with the Act, but it is that the executive shall not interfere for three years unless Parliament desires it to interfere. That is the law, and not what they cite. I propose:—

"That the Senate doth insist upon its eleventh amendment to the said Bill, for the following reasons:—

1. Because the said amendment is desirable in the true interests of temperance.

My hon. friend from Ottawa laughs at that. That is as true, to my mind, as anything can be. I believe honestly and heartily that in the true interests of temperance it is right that people should be allowed to drink wine and cider.

2. Because the reasons adduced in the message from the House of Commons for disagreeing to the said amendment, ignore the constitutional and sovereign authority of Parliament in the making, amending and repealing of laws.

It is laid down there that we cannot do this thing, because we did so and so three years ago. Nothing could be more erroneous, nothing less susceptible of being maintained by any constitutional lawyer.

3. Because there is nothing in "The Canada Temperance Act, 1878," to warrant the Electors of those Cities and Counties in which the second part of the said Act has already been adopted, in believing that it would continue in force unimpaired for three years, the said Act providing only to the effect that no Order-in-Council bringing the second part thereof into force shall be revoked for three years; and the true intent of such provision being, not that the Act should continue for that period unaltered by Parliament, but that the effect of the second part when once adopted should not be impaired by the Executive without the consent of Parliament.

And because, even if the said Act had enacted expressly that the second part thereof when once adopted, should continue in force unaltered for three years, such an enactment would have been subject always to amendment and repeal, inasmuch as no Parliament can bind subsequent Parliaments and because, according to the constitution of the British Empire, and to the law and privileges of Parliament, there is no compact between Parliament and the said electors, nor can there be any breach of faith in the passing of the said amendment.

4. Because the said amendment is in compliance with the wishes of a large number of the Electors of the Dominion as manifested by their petitions presented to Parliament.

Petitions are alleged on one side; petitions exist on the other, and if it is proper for the House to say they refuse to accept this amendment because there are petitions presented in that sense it is quite right for us to say that we adhere to our amendment because there are petitions presented to us in this sense.

HON. MR. SCOTT—I do not propose to discuss with the leader of the House the first proposition whether nations can be made temperate by indulgence in light