

Confederation exercised Legislative powers in the regulation of the issue of licenses for the sale of intoxicating liquors, and the hours and certain other incidents of the sale.

"That the Appeal Courts of Ontario and Quebec have each decided in favour of the exercise by the Province of the Dominion, of the jurisdiction, and this Appeal Court has further determined that the judgment of the Privy Council in Russell, and the Queen does not decide that the Provincial Legislatures have not this jurisdiction.

"That the questions involved are now under the consideration of the Supreme Court of Canada, and will shortly be brought under the consideration of the Privy Council.

"That the Parliament of Canada should not assume jurisdiction as proposed by the said Bill, until the question has been settled by the Court of last resort."

That motion also was defeated. Now, Mr. Speaker, let us understand clearly what determination we are called upon to take, for what reason and upon what plea; we were called upon to interfere with the regulation of licensing in the various provinces upon the plea—not that it was a politic thing for this Parliament to assume that jurisdiction, not that it was a measure of policy or expediency at all, but upon the plea of necessity—that in order to prevent the unrestrained sale, by anybody who pleased, it was necessary for this Parliament to intervene; not upon argument, for argument was not resorted to in this House, to prove the necessity, but upon the plea that the necessity was proved and established by the judgment of the Court of last resort, which the hon. gentleman said was the final law of the land—upon the plea that the local laws were not worth the paper they were written upon—that they were usurpations; and in order to prevent these dreadful evils over which the hon. gentleman wept, resulting from the unrestrained sale of intoxicating liquors all over the country, he said we must act at once, and act decidedly, else the country would go to ruin over the quantity of liquor sold by everybody and drunk

by everybody else. Well, sir, we pointed out that the hon. gentleman's interpretation of the judgment in Russell *vs.* The Queen, was erroneous; that it did not establish the proposition he laid down; that it could not establish it because an essential element to a conclusive decision upon that subject was that the question of Provincial powers in municipal institutions should have been brought under the consideration of the court and adjudged upon by the court, whereas that question was not considered or adjudged upon at all. However, the hon. gentleman who answered for the Government said that they took the opinion of the First Minister, that they were willing to take his opinion on trust, and that as he wished it, not merely as an expounder of the law, but as a prophet, it was particularly unfortunate that I should have challenged his judgment. But time brings about its revenges. There were allusions in the course of the debate, and in this motion, to cases then pending—to a case before the Supreme Court of Canada at that time standing for judgment, in which judgment has since been delivered, and in which three of the judges, those who expressed an opinion on the question of jurisdiction, expressed the opinion that the Local Legislatures have regulative jurisdiction. There was a case alluded to which was about to be heard in the Privy Council. It was pointed out in a late stage of the debate that it was entirely unnecessary for the hon. gentleman to proceed so hastily, for he himself proposed that his Act should not come into force until May next, at any rate so far as the licensing power was concerned, and that he might well wait until the decision of the Privy Council was rendered. But he had some purpose to serve, and he insisted on Parliament coming to a conclusion. Parliament came to the conclusion he desired, and since then judgment has been delivered; and this is the second complaint I make of