

the hon. member for Niagara to make a statement of that kind.

HON. MR. PLUMB—I make the statement on my responsibility and I can show it in the debates.

HON. MR. POWER—I know as much about what took place as the hon. gentleman does : if he can produce any authority for what he says I shall accept the correction, but not otherwise. Fortunately we are not left to the memory of the hon. gentleman from Niagara or any other member : we have the record of the House of Commons here, and we find that when the third reading of this Bill was moved, Mr. Fleming, acting on behalf of the Opposition offered the following amendment, which I think was prepared by the leader of the Opposition :—

To leave out all the words after the word “that” in the said motion, and to insert the following instead thereof :—“The Provincial Legislatures have since 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 favor of the exercise by the Provinces of the Dominion of the jurisdiction, and the Appeal Court of Quebec 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.

Then another amendment was moved by Mr. Robertson of Shelburne, in the same direction, as follows :—

“To leave out all the words after the word “that” in the said motion, and to insert the following instead thereof :—

“The general understanding since Confederation has been that under the Constitutional Act the Provinces have jurisdiction over the regulation and restriction of the issue of licenses for the sale of intoxicating liquors, the hours of sale, and certain other incidents of the business.

That the local character of the questions, and the use of the local machinery and institutions in dealing therewith, show that the public interest will be best served by the continuance of Provincial jurisdiction over these matters.

That a question as to such jurisdiction having been raised in the Gracious Speech from the Throne, the action of this House should be in the direction of procuring the removal of doubts by the establishment of the Provincial jurisdiction, instead of assuming jurisdiction as proposed by the said Bill.”

Now I think the Bill that ought to have been passed is one simply embodying the substance of the 145th clause of this measure which is as follows :—

“Until the first day of May, in the year one thousand eight hundred and eighty-four, all the laws of Provincial Legislatures of the Dominion passed for regulating or restraining the traffic in liquors shall be and they are hereby made as valid and effective to all intents and purposes as if enacted by the Parliament of Canada.”

That provision would have met any difficulty which could have arisen until the courts have given their decision. The hon. Minister of Justice suggested that he had some amendments to move. Now, if we are to try and make this anything like a workable measure we shall have to make a great many amendments. As one member of the House I am willing to let the Bill go through Committee just as it is. Practically it will not go into force until the 1st of May, 1884. Any gentlemen who will take the pains to read the Bill over will find that there are scores of amendments which must necessarily be made to this Bill before it is a workable measure ; and consequently it is idle to make amendments to it now when perhaps dozens of further amendments will have to be made to it next Session. As it does not go into operation practically until next year, the best way would be (if it is not voted down as I hope it will be at the third reading) to let it go in its present form, and next year let one comprehensive measure including all necessary amendments be introduced. If the Minister of Justice will take that course I shall have no objection to taking the clauses *en bloc* ; if not we will fight it out clause by clause “if it takes all summer.”

I think it only right to say a few words as to the constitutional question ; and I shall refer to two or three cases which have been decided by the highest courts of the Dominion. In the case of *Slaven vs. the corporation of Orillia*, which was decided in the Court of Queen’s Bench in Ontario in 1875, we find this principle laid down :—“By-laws passed by municipal corporations wholly pro-