tion in a calm, judicial spirit, but I think, before he got through, he showed he was holding a brief for some one; he showed he was holding a brief for the Government in this case, in endeavouring to gloss over the legislation which is now the subject for discussion. In carrying out the views enunciated by the hon. member for Glengarry, it is clear that eventually the Dominion Government would absorb the whole legislative powers of the local Provinces, and instead of being a Federal union, we will become practically a legislative union. It is the duty of every hon. member to see that the autonomy of the Provinces, granted them under the British North America Act, should be observed; to see that the powers vested in the Provinces should remain intact, and to vigorously oppose any attempt to interfere with them, irrespective of party. The hon. member for Glengarry started with the theory that a conflict exists in the British North America Act, between sections 91 and 92, and that Local Legislatures are inferior to this Federal Legislature. Now, I say both those theories are fallacious. There is no conflict. In the 95th section, which he has quoted, there is a provision for concurrent jurisdiction, and there it is expressly provided that where a conflict does take place, the Federal legislation shall supersede the other; but with regard to the other proposition, I shall show, by the decision of the Privy Council, that that also is not tenable. The inclusion of one is the exclusion of the other. The 95th section shows the Legislature never intended any conflict should arise between the subjects granted to the Federal Parliament and those exclusively granted to the Local Legislatures; but, independent of that, I turn to the decision of the Privy Council in the case of Parsons *vs.* The Citizens' Insurance Company, and I will first call attention to the proposition laid down in this case. The Privy Council decided in that case, that the powers of the Dominion Parliament for the regulation of trade and commerce include the regulation of trade even in matters of interprovincial concern.

"And it may be that they would include general regulation of trade affecting the whole Dominion, but * * * * but its authority to legislate for the regulation of trade and commerce does not comprehend the power to regulate by legislation the contracts of a particular business or trade, such as the business of fire insurance, in a single Province."

Their Lordships, in the course of that case, used the following language:—

"An endeavour appears to have been made to provide for cases of apparent conflict; and it would seem, that with this object, it was declared in the second branch of the 91st section, for greater certainty, but not so as to restrict the generality of the foregoing terms of the section, that (notwithstanding any thing in the Act) the exclusive legislative authority of the Parliament of Canada should extend to all matters coming within the classes of subjects enumerated in that section With the same object, apparently, the paragraph at the end of section 91 was introduced, though it may be observed that this paragraph applies, in its grammatical construction, only to No. 16 of section 92. Notwithstanding this endeavour to give pre-eminence to the Dominion Parliament in cases of a conflict of powers, it is obvious that in some cases where this apparent conflict exists, the Legislature could not have intended that the powers exclusively assigned to the Provincial Legislature should be absorbed in those given to the Dominion Parliament."

The proposition was there laid down that the powers exclusive to the Local Legislature should not be absorbed in those given to the Dominion Parliament. Their Lordships assumed there was no real conflict; but even where there was apparent conflict, the two ought to be distinct, and where the powers were exclusively assigned to the Provincial Legislatures, they should not be absorbed by the Dominion Parliament. The hon. member for Glengarry put forward the proposition that if the Local Legislatures had the power and if the Dominion Parliament eventually should assume that power by legislating for the whole Dominion, in contradistinction to the Local legislation of a particular Province, the action of the Dominion Parliament would over-ride the inferior Legislature; and he puts forward, though not in express terms, but it is to be found in his argument, the proposition that a Local Legislature is of inferior jurisdiction to the Dominion Parliament. Now, I will quote from the very case of Hodge *vs.* The Queen in which, though my hon. friend endeavours to file it down simply to a case as to whether a man had the right to use a billiard room or not, principles of the greatest constitutional importance to the Provinces and the Dominion were laid down:

"It appears to their Lordships, however, that the objection thus raised by the appellants is grounded upon an entire misconception of the true character and position of the Provincial Legislatures. They are in no sense delegates or acting under any mandate of the Imperial Parliament. When the British North America Act enacted that there should be a Legislature for Ontario, and that its Legislative Assembly should have exclusive authority to make laws for the Province and for Provincial purposes, in relation to the matters enumerated in section 92, it conferred powers not in any sense to be exercised by delegation from or as agents of the Imperial Parliament, but authority as plenary and as ample within the limits prescribed by section 92 as the Imperial Parliament, in the plenitude of its power, possessed and could bestow. Within those limits of subjects and area, the Local Legislature is supreme, and has the same authority as the Imperial Parliament or the Parliament of the Dominion would have had under like circumstances to confide to a municipal institution or body of its own creation authority to make by-laws or resolutions as to subjects specified in the enactment, and with the object of carrying the enactment into operation and effect."

I say that the two decisions I have quoted, the decision in the case of Parsons, and that in the case of Hodge, entirely contradict the two propositions of my hon. friend with regard to the conflict between the two Legislatures, and also with regard to the inferior position which he claims the Local Parliaments hold in regard to this Federal Parliament. Then it becomes a question of construction, with regard to the point whether this power is in this Dominion Parliament or not, and it is a point which it is important to discuss, under the other aspect of the case, which has been presented to the House, because it has been argued in two points of view: first, with regard to the constitutionality of the Liquor License Act of 1883; and secondly, as to its expediency or necessity, because we must bear in mind that the strong argument put forward for the interference of Federal legislation in this matter was the necessity which it was contended was forced upon this Parliament by the decision in the case of Russell against the Queen. First, as to the constitutional question. Laying down, as I said, the proposition that there is and there should be no conflict, we have a right to see what is the decision of the highest tribunal. It was admitted by my hon. friend from Glengarry (Mr. Macmaster), and also by my hon. friend from Queen's, P.E.I. (Mr. Davies), that in the technical and literal sense there was no decision on the Licensing Act of 1883; but, if, in arguing cases before the courts, we could bring forward identical cases, there is an end of all argument, because there is a decision; but, when we go into court, as members belonging to my profession know, we have to argue cases by analogy, by deducing principles from the cases before us and the Statute upon which to decide its legality or illegality, its *vires* or its *ultra vires*. In arguing this case, I take the first point, that the case of Hodge against the Queen decidedly puts the power of licensing within the jurisdiction of the Local Legislatures. My hon. friend from Glengarry said the principle which their Lordships referred to as laid down in the cases of Russell and the Queen and the Citizens' Insurance Company was that "subjects which, in one aspect and for one purpose, fall within Section 92, may, in another aspect and for another purpose, fall within section 91." Assuming that to be a proper principle, it may be that subjects of that kind may in another aspect and for another purpose fall within the other section, but not in the same aspect and for the same purpose. In dealing with bankruptcy and insolvency, it is necessary that this Parliament, in order to carry out the power given to it, should trench upon property and civil rights, but they deal with it in another aspect and for another purpose than the Local Legislatures deal with it under section 92, and it would not be argued that this Praliament would be entitled to exercise plenary powers over property