

of removing those doubts. In consolidating the statutes, that Act was wholly repealed and only the first clause of it re-enacted; but the second clause which provided for this state of things thereby became, as far as the Legislature could do it, extinct. That clause was to the effect that in counties where there were no licenses whatever the Act should take effect in thirty days after the proclamation by the Governor in Council. No question arose upon the Act until very recently, when a County Court judge in Nova Scotia thought it proper to decide that the Act was wholly inoperative because the clause which gave it effect was no longer the law of the land, and therefore the Act did not operate, forgetting that this Act did give, while it was in force, operation to the Canada Temperance Act in those counties where there were no licenses, and therefore the Act was still in force. It became necessary to appeal from that decision to the Supreme Court bench. That appeal is still pending, and it will be observed that the second clause preserves any rights that may arise under that appeal.

HON. MR. KAULBACH—This Bill, no doubt, has the support of the temperance body in parts of Nova Scotia, but I do not know whether the public generally approve of it.

HON. MR. ABBOTT—I think my hon. friend from Lunenburg does not quite seize the point. Certain clauses, as I understand it, of the Canada Temperance Act were directed by their purport to come into force at some period which depended upon the issue of licenses. In some counties licenses were not issued, and consequently the law would not have come into force at all, and we would have had a small section of our Dominion which was not subject to its provisions. To meet that difficulty a Bill was passed which brought those clauses into force in that section of the country, although the license system had not commenced there; and the Act expressly enacted that from and after such a date the Canada Temperance Act shall apply to such and such counties. When the revision of the Statutes took place afterwards the revisers did not put that short Act into the Consolidated Statutes. It had performed all

that was required of it, it had put the law in force, and so they left that Act out of the Revised Statutes. I am satisfied, and my colleague the Minister of Justice is satisfied, that the omission of that Act from the Revised Statutes did not destroy the effect of its passage; and we both think it left the Canada Temperance Act in full force in those counties notwithstanding it had disappeared from the Statutes. A local county judge had the matter brought before him and he took the extraordinary ground, I think, that because the Act was not inserted in the Revised Statutes, the force of the Canada Temperance Act in this part of the country had ceased again, and it had no longer any effect there. It would not do to leave the Act in that condition, and if the local judge thinks it does not apply there, the only thing I can imagine that we can do is to say that it does apply, and my hon. friend's Bill is for the purpose of doing that thing.

The motion was agreed to, and the Bill was read the second time.

The Senate adjourned at 6 o'clock.

THE SENATE.

Ottawa, Friday, April 25th, 1890.

THE SPEAKER took the Chair at 3 o'clock.

Prayers and routine proceedings.

THIRD READINGS.

The following Bills, reported without amendment from the Committee on Banking and Commerce, were read the third time and passed:—

Bill (73) "An Act to incorporate the Dominion Safe Deposit, Warehousing and Loan Company, Limited." (Mr. Scott.)

Bill (63) "An Act to incorporate the Home Life Association of Canada." (Mr. McKindsey.)

BILL INTRODUCED.

Bill (BB) "An Act further to amend the Indian Act, cap. 43 of the Revised Statutes." (Mr. Abbott.)