

duty it is to protect the constitution, it is our duty to give to that officer any suggestions that we can. Probably he has considered the subject already, but still, as the matter is of so much importance, I shall venture to say a few more words on the question. Any hon. gentleman who takes the trouble to peruse the judgment in the case which has been spoken of, will see that the Lords of the Judicial Committee of the Privy Council proceeded somewhat in this manner,—I am not going to quote, but substantially they said this:—That the Dominion Government have the right generally to pass laws for the peace and good government of Canada on all matters which are not specially appropriated to the Provincial Legislatures by the 92nd section of the British North America Act. Then taking up the matter—this question of a prohibitory law—they held that that did not come under the 92nd section; that, being a prohibitory law, not a law regulating the sale of liquors, it did not come under sub-section 9 which authorizes the Local Legislatures to issue shop, tavern and other licenses to raise a revenue for provincial purposes, it did not come under that or the 13th subsection which refers to property and civil rights, or under the 16th sub-section which refers to local matters within the Provinces; and they were careful to state in their judgment that it was because it did not come under any of these three heads, that therefore the Dominion Parliament had a right to deal with the matter. The very moment that the Dominion Parliament undertake to pass a license Act, and to say that fees shall be paid for shop, saloon and tavern licenses, then, it seems to me, following the decision and views of the Privy Council Committee, this Parliament would be infringing upon the rights of the Local Legislatures; but it is barely possible that it is one of the cases where it could be held that there was a concurrent right—that Local Legislatures have a right, expressly given them by the ninth sub-section of the 92nd Section of the British North America Act, to grant licenses for the purpose of raising a provincial revenue, and that the Dominion Parliament had the right to provide that licenses should be granted for the sale of liquors, with a view to the good government of the country, but a right, which

would not interfere at all with the rights of Provincial Legislatures. The consequence would be that the liquor dealers, instead of paying only one set of license fees, as they do now, would be obliged to pay two sets—one to the Dominion and one to the Provincial Government. I do not believe that this result is contemplated by the Dominion Government, which has introduced this measure, or by the liquor dealers, at whose instance it is understood as having been brought in. My own impression is that probably this paragraph in the Speech will not result in the passing of the Bill to its third reading. There is one other point in this connection to which, I think, the attention of the Minister of Justice should be called. It is this: if he will look at the decision of the Committee of the Privy Council in the case of *The Citizens Insurance Company vs. Parsons*, he will find laid down there the rule that the Dominion Government could not regulate trade as to one province alone; that the power given to that body to regulate trade was a power which should be exercised over the whole Dominion. Now if, under that sub-section of the 91st section, the Government were to undertake to regulate the liquor traffic, they should regulate it as to every Province of the Dominion, but no partial measure could be introduced. Whether it is a desirable thing to overturn or attempt to overturn the regulations which exist in all the Provinces, and which are working satisfactorily, is a question which, I think, the Government should consider seriously before they decide to go any further in this matter.

As to the measure which is to regulate factory labor and to protect the working man and his family, I have only to say that, while such laws are most desirable, if the measure is the same as was introduced last year, it will be found to be very largely beyond the jurisdiction of this Parliament, and to come more properly within the jurisdiction of the local legislature. I feel, as a member of the Dominion Parliament, that we ought to be particularly careful not to pass measures here which we have no right to enact, and which are ultimately set aside by the Courts. I think our passing measures of that sort tends to bring Parliament in general and this House in particular—whose duty it is to look after the