

for years after, as a subject of municipal institutions, is not to be found in the Confederation Act."

Once again I proceeded to point out what was done in the old Province of Upper Canada, under the heading of municipal institutions, and also in Lower Canada; and I said:

"I deny his construction of the decision in *Russell v. The Queen*, and the argument in *Russell v. The Queen*. I have read the stenographer's notes of the whole argument, and it seems to be unfortunate that a constitutional case of this high consequence, the senior counsel, a man whose knowledge and power and eminence, everybody knows and respects—Mr. Benjamin—should have been absent, and that the brunt of the argument should have been borne by the junior counsel. Mr. Benjamin appears only at the close in delivering a short and a concise argument. I say the argument is not satisfactory; and the judgment is not satisfactory, even as far as it goes. But the question is, how far it goes? We are not to take it as far as the hon. gentleman says it is to be taken. The hon. gentleman says: a lawyer reading that judgment will come to any other conclusion; he says no layman would come to any other conclusion. But lawyers have come to a different conclusion; judges have come to a different conclusion; courts have come to a different conclusion; and what the hon. gentleman declares no man would say, some of the highest and most respectable and esteemed judges of this land have already said."

And I pointed out in detail what the judgments were which bore out that proposition. After doing so, I said:

"For myself, I never will consent that one of the greatest powers given to the Provinces, shall be swept away by a court before whom this question of our municipal institutions was not argued or considered, before whom it was not considered that our powers in that respect were in question, and of which they were more than the messengers at the door. I will not consent that the Parliament of this country shall, without my protest, arrogate to itself the power to take away from the Provinces that great right, until we find, on full argument, and consideration, that such is the meaning of our Constitution."

Well, Mr. Speaker, making these observations upon the motion of the hon. gentleman to initiate this legislation, which I opposed on this and other grounds, I was answered from the Ministerial benches by an hon. member, who said, speaking for the Government:

"They do not ask this House to consider whether the license question may be dealt with by the Local Legislatures, or by the Dominion Parliament. This is a foregone conclusion, and his Excellency says, he is advised upon that question that the Provinces have no right to deal with the question; and, therefore, this House being seized with the case, and being satisfied that the opinion of the hon. the First Minister is the true one, is asked only to assimilate the laws of the several Provinces and to see that an Act is placed on the Statute-book, which shall satisfy the several Provinces."

Again, he said, referring to my point, that the only excuse that the Government had for introducing the measure, was the speech the hon. gentleman made in Yorkville:

"Well what better evidence does this country want of the great constitutional knowledge of the right hon. gentleman than the fact that he predicted, three weeks before the decision was given, that jurisdiction lay alone in this Legislature; that the Local Legislatures had no control over that question. That shows his great constitutional knowledge and his opinion of what the law really was, because a few weeks afterwards, we find the Privy Council endorsing his view."

However, although we voted against the initiation of this legislation, and declared that it ought not to be commenced, at a later day, when the Bill was to be read the third time, we recorded another proposition, to which I desire to refer. That proposition was contained in a motion, moved by the hon. member for Peel (Mr. Fleming) in amendment to the third reading of the Bill, to leave out the words for the third reading, and insert these:

"The Provincial Legislatures have since