

temperance principle carried out in the matter. I think some allowance should be made for these very exceptional cases.

Amendment negatived.

Mr. ROBERTSON (Hamilton). I wish to move an amendment, merely for the purpose of making the Bill workable. The amendment of the hon. member for Rouville (Mr. Gigault) provides for prohibition on a vote of the majority, but there is no provision made for repealing the prohibition in case it should be required. I therefore move, seconded by Mr. Gigault:

That the Bill be recommitted to a Committee of the Whole, to amend sub-section 11 of section 46, by adding thereto the following words:—And each and all of the provisions of this section shall apply to the proceedings to be taken in reference to such repeal, and that the words "or February" be added after the word "January" in sub-section 2 of the said section 46.

Bill recommitted and reported.

Mr. McCARTHY moved:

That the Bill be recommitted to a Committee of the whole, in order to amend the Bill, as follows:—That all the words in section 39 after the words "at their discretion" in line 34 down to the words "and such License" in line 37 be expunged, and that a new Clause be inserted as follows:—

On the trial of any information or complaint against the provisions of this Act, the person charged, or husband of such person shall be competent and compellable to give evidence as a witness in the said matter;—That the following changes be made in section 46: "The word "Parliamentary" shall be expunged wherever it occurs; the words "or Chairman" "and registered" shall be expunged in sub-section 2; the words "Chief Inspector" shall be substituted for the words "License Inspector." The word "five" shall be substituted for the word "four" wherever it occurs in section 46;—as to the hours named for polling and voting days the word "qualified" shall be expunged in sub-section 5.

Bill recommitted and reported.

Mr. FOSTER moved:

That the Bill be re-committed to a Committee of the Whole, to amend section 74 by expunging the words "to be consumed on the premises," and by adding to section 82, the following:—

When any Inspector, policeman, constable or officer in making or attempting to make any search under or in pursuance of the authority conferred by section 81 of this Act, or under the warrant mentioned in the last named section, finds in an unlicensed house or place, any liquor which in his opinion is unlawfully kept for sale or disposal contrary to the said Act, he may forthwith seize and remove the same, and the vessels in which the same is kept, and upon the conviction of the occupant of such house or place, or of any other person, for keeping liquor for sale in such house or place without license, the Magistrate making such conviction, may, in and by the said conviction, or by a separate or subsequent order, declare the said liquor and vessels, or any part thereof, to be forfeited to Her Majesty, and may order and direct that the said Inspector, policeman, constable or officer shall destroy the same or any part thereof, and the Inspector or other person as aforesaid shall thereupon forthwith destroy the same or part thereof as directed by such conviction or order.

He said: Section eighty-two is to provide for the destruction of liquors in connection with the search clause. That has been omitted and a new section substituted. Section seventy-four reads in this way:—

Any licensed person who allows to be supplied in his licensed premises, by purchase or otherwise, to be consumed on the premises, any description of liquor to any person apparently under the age of sixteen, &c.

You will notice that limits a person to selling or supplying to be consumed on the premises, but that would defeat the whole object of the clause against selling to minors, and it is to amend that as well. I propose to strike out the words "to be consumed on the premises." The other is a very important one in connection with places where a prohibitory law prevails, and where some person is appointed to sell for medicinal purposes. It is found that some physicians of a not very respectable class make a traffic out of selling prescription certificates and in a sort of league with the person who sells, dividing the profits annually, and defeat the purposes of the Act. This is to provide a penalty for the physician who shall traffic in certificates in that way, on conviction at the proper tribunal.

Mr. DAVIES. As clause seventy-four now reads it forbids the sale of liquor to any person under sixteen years of age, if that person is not a resident of the premises, or a lodger or traveller; but it does not prohibit the sale to minors who may be living in the tavern. The hon. gentleman proposes to strike out the words "to be consumed on the premises." That will prevent any young man of fourteen or fifteen years of age being sent to a liquor store to buy for his master. I think the hon. gentleman would meet his object better if he strikes out those words which allow liquor to be sold to a minor if he is a boarder, lodger or traveller. I do not know why it should be right to sell to a lad of fourteen if he lives in a tavern. I think the whole system of selling to lodgers is wrong.

Mr. FOSTER. As the clause now stands it allows a licensed person to sell to boys or girls under sixteen years of age indiscriminately, provided they do not consume it on the premises. I think that is a very strong objection and ought to be removed. With reference to being able to supply it to those who are residents on the premises, there is an objection to that, the hon. gentleman says, too. That is obviated to a certain extent by the fact that those who are residents in a hotel are probably under the supervision of parents or guardians.

Bill recommitted and reported.

Mr. GIGAULT moved:

That the Bill be re-committed to a Committee of the Whole, to amend the same by adding to section 7, as sub-section (e) the following:—The Board may in granting a license to an hotel-keeper, authorize him to sell liquors in quantities exceeding one Imperial quart, and not exceeding one Imperial gallon, at any time to any person, said quantities not to be consumed on the premises.

He said: In the Province of Quebec there is no limitation as to the quantities of liquor which may be sold by hotel-keepers. In many of our municipalities we have only an hotel and no store, and if we adopt the Bill as at present claimed and not give the right to the Board to authorize hotel-keepers in certain cases where there is no store, to sell liquors in quantities exceeding one quart, it will be a very great injury to the cause of temperance.

Amendment negatived.

Mr. FLEMING moved:

That 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 this Appeal Court 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.

Amendment (Mr. Fleming) negatived on the following division:—

YEAS:  
Messieurs

Armstrong,	Fleming,	McCraney,
Auger,	Forbes,	McIntyre,
Bain,	Geoffrion,	McMullen,
Béchar,	Gillmor,	Paterson (Brant),
Bernier,	Gunn,	Platt,
Blake,	Harley,	Robertson (Shelburne),
Bourassa,	Holton,	Ross (Middlesex),
Barpee (Sunbury),	Innes,	Scriver,
Campbell (Renfrew),	Keefer,	Somerville (Brant),
Casey,	Kirk,	Somerville (Bruce),
Casgrain,	Landerkin,	Springer,
Catudal,	Lister,	Sutherland (Oxford),
Davies,	Livingstone,	Trow, and
De St. Georges,	McMillan (Huron),	Vail.—43.
Fisher,		