

opinion that it is necessary to legislate, in order that these provisions which exist in Prince Edward Island may have the effect of law, and that it is important to say what the law is on those points for the purpose of maintaining the rules and order which he says they are so careful about in the province from which he comes, and as are maintained in the other provinces. The other provisions of the Bill, as the hon. gentlemen from DeSalaberry and Ottawa say, have been very carefully prepared by eminent gentlemen, and I quite agree with them, and see the danger which might ensue if we were to attempt to amend the Bill now presented to us as a whole. It is the result of the concentration of labor and thought which have been given to it by the Committee who prepared it, and I can see the danger which would result if we tried to improve it here and there. The only particular in which I desire to amend it is to bring into play, by the suggestion of the chairman of the committee of the other House, who considered and framed it, some portions of the Act which goes under the name of the hon. gentleman from Ottawa. Otherwise, the Bill, I think, as a whole is complete and carried out into great detail with all necessary particularity. It was framed by the same minds throughout, and is in itself a complete measure which will work satisfactorily.

Then, with reference to the other point taken by the hon. gentleman from DeSalaberry, that it would be better to obtain a decision of the law courts in advance; that could not have been obtained in any way. There was no litigation going on which enabled us to do it then, and to have taken the opinion of the Supreme Court in advance of litigation would not have been usual or, perhaps, decorous, and there is no means of referring a matter of opinion of that kind to the Privy Council. You must have a case actually going on before the Privy Council to obtain a decision: therefore, there seemed to be no course for the Government to take, except to assume the responsibility of initiating legislation, and no doubt the time will come when the legality of this legislation will be decided by means of an actual case, and that actual case may go possibly to the Supreme Court and afterwards to the Privy Council. There was no way of doing that, and we had, there-

fore, to deal with the law as interpreted by the Privy Council in England. Assuming that to be the law, and finding, as I thought, that that was the general consensus of opinion with the legal profession, we had no recourse except to take the responsibility of introducing this measure.

HON. MR. BELLEROSE—I regret that I cannot agree with what has fallen from the Minister of Justice. It seems to me that besides the course which the Government have adopted there was another and a better one open—I believe the only one which ought to have been followed. For sixteen years the local legislatures have been dealing with this subject, and before the Federal Government assume the right to legislate in this direction they ought to be sure that they are not exceeding their jurisdiction. That is the ordinary argument used in legal questions; I believe that cannot be denied. It is admitted on both sides that there are difficulties, and if any exist I believe the matter ought to stand as it is until they are settled. The Minister of Justice says at present there is no case going on which would show where the power is.

HON. MR. POWER—There is a case now before the Supreme Court.

HON. MR. BELLEROSE—I am aware of that, and I will refer to it later on. But supposing there was none, it would be easy for the Government to make one and, before taking out of the hands of the local legislatures the powers which they have so long exercised (the authorities at Ottawa recognizing such exercise as proper) they should take some means to ascertain if they are right. The argument of the hon. gentleman is fallacious: it is to this effect, that when we pass this Bill cases will be brought up and decided. That is not the right course to pursue; bring up a case on the condition of affairs as it is now, and when we find that we have been wrong for sixteen years, then it will be time enough for this legislation. I believe that is the most logical view to take.

As to the Bill itself, I cannot say much, for the very good reason that I am in the same position as, I believe, nearly all the members of this House are—I do not