

bound to say he had formed the deliberate and confident opinion that the Legislature had no jurisdiction in the matter. This was no hasty conclusion, but he had no doubt whatever as to its correctness. The buying and selling liquor was a matter of trade and commerce which was beyond our jurisdiction. Then, too, the Dominion Parliament has jurisdiction over criminal law. More than this, the Dominion Parliament has jurisdiction over all classes of subjects not specially assigned to the Provinces. The Dominion Parliament had a much larger and more exclusive jurisdiction over trade and commerce than the Congress of the United States, and therefore there was no analogy between our position and that of an individual State of the Union. Then, too, the respective States had the duty of regulating the criminal law, which we had not. Whatever power was given expressly to Congress belonged to the several States, which, as he had shown, was diametrically opposite to our Constitution. So that on every ground our case was the reverse of theirs. We might, of course, abolish the license system, but that would be to establish free trade, not prohibition. Could he have come to a different conclusion, as he would gladly have done, he would have voted for the second reading of the Bill.

Mr. M. C. CAMERON agreed that we had no right to prohibit the traffic in liquor absolutely, and could only deal with the matter as a question of revenue. He, therefore, agreed with the Attorney-General, and it would be idle to press the measure further. Perhaps the majority of the people were indifferent on this subject. Most of them drank moderately, a few to excess, but it was merely gaining a cheap popularity to denounce intemperance, as was done by many members in that House. Although as favourable to temperance as any one he would not refuse to those who chose to use liquors moderately the right to do so. It would be an interference with individual freedom, and for the sake of those who drank to excess it was not right to do an act of injustice to those who were carrying on a trade that was lawful, and sanctioned by the law. Some of the best men in the community were engaged in the traffic, and it was not right to attack them as though they were guilty of something wrong or immoral. He would punish those who committed the crime against themselves. For his own part he most religiously abstained from drinking stimulating liquors, but he could not bring his mind to interfere with the personal freedom of others.

Mr. CALVIN said every one knew the evils of intemperance, and nothing more could be said on that subject than they had heard already. He was sorry to hear hon. members saying that, whilst favourable to the Bill, they regarded public opinion as unprepared for it. How should they arrive at a knowledge of public opinion on the subject? They had received this session an enormous number of petitions in favour of prohibition. Those who were wanting to fix the responsibility of the Bill on the Government wanted, not to pass the Bill, but to make it a political question. "They hadn't got it at their heart. It wasn't in 'em." "It was party *versus* morality." (Loud laughter.) He would rather sit for ever in opposition than see the Bill fail. He wanted to see this Bill pass, and also the Bill of the hon. member for South Ontario. He was sorry to hear the Attorney-General say they had no right to legislate in the direction of prohibition. He then referred to the operation of the Dunkin Act, and insisted that any legislation should apply equally to the rich man who drank wine and the poor man who drank whiskey. He hoped the member for North Norfolk would stick to the Bill.

Dr. CLARKE had acted quite independently in bringing in the Bill. The Bill, he argued, did not interfere directly with either the Revenue or Excise Laws. It did not absolutely prohibit the sale of liquor but regulated the sale for certain purposes. He protested against our action being limited and controlled in such a matter by the Confederation Act. He had legal authority for thinking the Bill came within the scope of their powers. He repelled the charge made by Mr. Cameron, that the movement was used in that House as a means of gaining cheap popularity. He would not take the responsibility of withdrawing the Bill.

Mr. CORBY would like to see a little consistency. They had four Bills now before the House; one of them was to build a palace for gentlemen drunkards, whilst the poor man would go to the Central Prison. The rich man could drink as he pleased, but the poor man got punished. The member for North Norfolk had a store at Prince Ar-

thur's Landing, and paddled whiskey at three-and-ninepence a bottle; and had at that. (Laughter.)

Dr. CLARKE insisted on the member for North Grey, who was said to have been Mr. Corby's authority, saying if such a statement had ever been made by him.

Mr. SCOTT (North Grey) said, as he had been appealed to, he had once remarked that it was strange Dr. Clarke should bring in that Bill when that gentleman kept a store at Thunder Bay and sold liquor. He had bought some when in camp, "just to keep the flies off his face," at seventy-five cents a bottle. He had seen Dr. Clarke in the store for several months.

Dr. CLARKE said that it was his son who kept the store at Thunder Bay, but the sale of liquor was only incidental to the business, which was that of a druggist. He (Dr. Clarke) had not one cent of interest in that business.

Mr. CORBY desiring again to question Dr. Clarke, was called to order, and with a few more remarks concluded his speech.

Mr. FAREWELL said no question so important as this had been before them. It affected the happiness of every family in Ontario. The evils of the liquor traffic were patent to everyone, and all agreed as to their magnitude. He did not deny the legal right of a licensed dealer or manufacturer to carry on his trade. But there was a higher law than the law of the land, and if they saw the question as he did, they would, in obedience to that higher law, neither sell nor manufacture. No community had a right to authorize any one to engage in any calling injurious to the public health, morals, or interests. He would not stop to point out what this traffic had done. But he could state a large number of precedents for the interference of the State with callings of a noxious or dangerous character. If the people desired the law why could they not have it? They were told the Constitution was in the way. He would, however, give notice to the country that an agitation should be set on foot to alter the Constitution so that the wishes of the people might be fulfilled. If the Bill were pressed to a vote, he (Mr. Fraser) must vote for it; but if, as they were told, it was unconstitutional, there was no use in pressing it further.

Mr. OLIVER thought the remarks of the member for North Grey were unfair to Dr. Clarke. He (the speaker) knew that Dr. Clarke had no interest in the Thunder Bay store, and had himself seen the Doctor purchasing articles and paying for them at the store.

Hon. Mr. SCOTT said he would not have spoken if he had not been directly appealed to.

Mr. SINCLAIR said that if it were possible to do away with the evil of the liquor traffic there was not a member of the House who would not do his best to bring about that happy result. With reference to the license system, he differed with the remarks made by a previous speaker, for he did not believe in doing away with that system, as it was designed to put a check upon the traffic. In this city on a Saturday night he passed small taverns on way to his lodgings which were as still as death, while on other nights there was a large business done in them. Our temperance men and others, by pursuing the course they have hitherto done, would bring about such a state of affairs that there would be no prohibitory law really required. The license system as framed by the honourable member for South Brant had been productive of a great deal of good, for it had checked to a large extent the sale of intoxicating liquor. He would certainly vote for the second reading of the Bill.

Mr. McCALL admired the determination of his colleague from Norfolk in pressing forward his Bill, for it showed that he was a sincere advocate of the temperance cause, and he had great pleasure in supporting the measure.

Mr. FAIRBAIN agreed with the Attorney-General that this House had no constitutional power to pass a prohibitory law, but at the same time there would be no harm in taking the sense of the Legislature on the Bill now before it, and that would be so much gained. The power of passing such a law should be vested in the Province; it was a domestic concern of ours, and if the States of the Union had not had similar power there would never have been a Prohibitory Law passed by the Federal Legislature at Washington. He was heartily in favour of the Bill passing to a second reading.

Mr. BOULTBEE hoped the House would not affirm the principle that the livelihood of licensed victuallers should be taken from them, for they had as much right to live as other people. The passing of a prohibitory