

upon the issue of a wholesale license under said Act, and the amount of any fine or fines received by any municipality and the interest which may be repaid to such brewers or distillers.

3. *Resolved*, That where any brewer or distiller, under and by virtue of the Act passed in the thirty-ninth year of Her Majesty's reign, chaptered twenty-six, has paid into the license fund of any license district, or to the License Inspector, the duty on any wholesale license or licenses, or has paid any fine or fines by reason of the neglect of such brewer or distiller to obtain such wholesale license, and such duty and fines shall not have been paid into the consolidated fund, such License Board may repay the same to the person or persons who paid the same, or to his or their executors, administrators, or assigns, such payment being first approved by the Treasurer of the Province.

4. *Resolved*, That all expenses of carrying the provisions of section one hundred and five to one hundred and eight inclusive of said chapter one hundred and eighty-one and of this Act into effect shall, when the license fund is insufficient for that purpose, be borne and paid in the proportion of one-third by the Province out of the Consolidated Revenue Fund, and two-thirds by the county within which any by-law for prohibiting the sale of liquor under the Temperance Act of 1874, or under chapter one hundred and eighty-two of the Revised Statutes of Ontario, is in force, and where the by-law is that of a minor municipality, such minor municipality's share of the entire expenses shall be paid in the same proportion by the Province and the minor municipality respectively.

The following clause formed a portion of the third resolution, but Hon. Mr. Hardy asked the consent of the House to its withdrawal:—

"But nothing in this resolution contained shall require repayment to be made to the defendant in the cause of Regina v. Severn, heretofore litigated in the Supreme Court of Canada, should the case be appealed to Her Majesty in Council."

The Committee rose and reported the resolutions as amended, and they were received and referred to the Committee of the Whole House on the Bill to amend the License Act, and for other purposes.

LICENSE ACT.

Mr. HARDY, in moving the second reading of the Bill to amend the License Act, and for other purposes, said it carried out the provisions of the resolutions just passed. The Bill also repealed section 109 of the License Act, which was inoperative. Section 6 provided that in those places where the Dunkin Act was in force, and where, consequently, the revenue under the License Act was small, one-third of the expenses of carrying out the License Act should be borne by the Province from the Consolidated Revenue Fund, and two-thirds by the county or municipality in question. Section 7 provided that in a case where a city or town was separated from a county for municipal purposes, a Dunkin by-law being in force in the county and not in the city or town, there should be a separate license fund. These sections were merely to make the Act more workable. Section 8 provided that the costs on appeal to the County Judge from a conviction under the License Act should not be more than ten dollars. Other sections were intended to make some provisions of the License Act more clear.

Mr. MACDOUGALL asked if the Bill made any provision as to expenses in those places where the Dunkin Act was repealed.

Mr. HARDY said it did not affect such cases.

Mr. MEREDITH said the Government seemed to have departed from the principle on which they professed to proceed when they changed the license system of the Province. Two of the three Commissioners of the city of London were members of the Municipal Council, and the third had been a candidate for a seat in the House of Commons, and was defeated. He had no objection to raise as to the way these gentlemen performed their duties (hear, hear), but if the same state of things existed in other parts of the country as in London, it did not look as though the Government had been sincere in their professions.

Mr. HARDY said he had heard no complaints about the London Commissioners. There had been a complaint from London East that a man was refused a license who should have obtained one, and that another

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who should not have obtained one did obtain it. He made an enquiry into the matter, and it struck him that the Commissioners had exercised their discretion, and had not exercised it improperly.

Mr. MOWAT said the policy the Government desired to carry out was that License Commissioners should not be members of Municipal Councils, and if there were cases where they were the Government was not aware of it. They had repeatedly refused to appoint Municipal Councillors, and they were occasionally asked if a Commissioner would be disqualified if he ran for the office of a Municipal Councillor, and invariably replied that they thought he should. In the only case in which a member of a Council was a Commissioner he happened to be a good commissioner.

Mr. MEREDITH said he knew of one Commissioner who had been repeatedly a candidate for the office of Reeve.

Mr. MOWAT said that was an objection. He thought he ought not to be a candidate so long as he was a Commissioner.

Mr. CREIGHTON alleged that the chairman of the License Commission at Thunder Bay was largely interested in the liquor business in that whole district. The member for Algoma would know of the matter.

Mr. DAWSON—Who is the chairman?

Mr. CREIGHTON said Mr. Marks. He was chairman last year, and he supposed he was still, while at the same time he was Reeve of the municipality. He went on to speak of the necessity of there being a clause in the Bill to prevent druggists from selling liquor in places where the Dunkin Act was in force. Their abuse of the permission accorded them was much worse than the five-gallon clause of the Dunkin Act.

Mr. DEROCHE spoke of the evil done by druggists selling liquor without proper restrictions. There was one case tried in his own county, where the Dunkin Act was in force, in which it appeared that one hundred packages were sold by a druggist in one afternoon. People who had favoured the Dunkin Act began to think that they had only exchanged the bar-room for the drug store.

Mr. CROOKS read section 42 of the License Act, which, if enforced, would, he thought, be found to be quite sufficient to meet the evil referred to.

Mr. DEROCHE said the question turned on the expression in that section of "strictly medicinal purposes." Persons frequently falsely told druggists that they wanted liquor for medicinal purposes, and the druggists, knowing their statements to be untrue, yet sold them the liquor.

Mr. DAWSON said the hon. member for North Grey was mistaken as to the chairman of the Thunder Bay Commission. Mr. McIntyre was chairman last year. He did not know that Mr. Marks was at any time the chairman, but he was a very efficient Commissioner, as were all the Commissioners. They had exerted themselves so well that the district, instead of being disgraced by drunkenness, for which it was once notorious, was now one of the most sober parts of the country. He understood that Mr. Marks was going to resign his position this year, and he (Mr. Dawson) hoped he would be able to recommend as efficient a man to succeed him.

Mr. FLESHER said it was as undesirable that Commissioners should be members of municipal councils as that tavern-keepers should.

Mr. ROSS thought the Bill ought to provide for appeals against dismissals by magistrates of cases under the License Law. They had been considering a Bill for the appointment of magistrates to carry out the law where the local magistrates failed to do so, but he thought if such a provision he had indicated were inserted in the Bill, it would be one of the best safeguards against the necessity of appointing temporary magistrates.