

in asking, and even demanding, at the hands of the Dominion Parliament, a ratification of the award. It is true that after two of these remonstrances had been sent, the leader of the Opposition and his friends appeared for a time to forsake the Liberal party upon the question. It is quite true also that it will be said that Sir John Macdonald has always been in favour of submitting the question to arbitration, but we find that even when requested to do so, and when a proposal was made to him for the submission of all the issues of the award to the Privy Council, at the very last moment he refused to become

A PARTY TO THE SUBMISSION.

We find too that his efforts were directed to prevent this Province from obtaining her rights. I can scarcely resist the temptation to refer to the remarks that have been made on various occasions to prove that Ontario had no right to the disputed territory. I refer you to expressions used by Sir John Macdonald which merely is an indication that as far as his power went, Ontario should never have her rights. There is one famous remark of his which has become his orical.

"Not one stick of timber, one acre of land, or one lump of lead, iron, or gold, is there in this territory that does not belong to the Dominion."

He further says:—

"The tribunal to which the matter was referred was a bad tribunal, because it was not a tribunal of experts in the construction of statutes. No one has a greater respect for the general and political ability of Sir Francis Hincks than myself; no one has a higher respect for the high standing and diplomatic weight of Sir Edward Thornton; but neither of them is a lawyer competent to decide upon the consideration of these statutes."

That is reported in a speech of Feb. 18th, 1880. Mr. James Macdonald was at that time Minister of Justice, and he said:—

"Many of us think that the conclusion at which the Arbitrators arrived was not justified by the evidence. I am bound to express the opinion which I entertain, and entertain very strongly, though I do so with diffidence, as every lawyer would who felt himself obliged to differ from the opinion of so eminent an authority as Chief Justice Harrison."

Sir John Macdonald says:—

"They (the arbitrators) were appointed to settle the true boundary, but were not asked to fix a convenient boundary. There was nothing there to appeal from. A convenient boundary could only be settled by the joint action of the two Legislatures, and the Dominion Parliament, or Government, did not choose to carry out the award made."

He goes on further and says:—

"The effect of settling the boundary between these Provinces (by the Manitoba Extension Bill) will compel the present Government of Ontario to be reasonable and not to insist upon a boundary which cannot be supported in any Court or tribunal of the world. They will come to terms quickly enough when they find that they must do so. To use an expression which is common in Scotland, it is "laud hungry" they are for that country, and they are resolved to get it rightly or wrongly."

A TRIBUNAL FORMED.

But, Mr. Speaker, we find that when the question was submitted there was a tribunal whose decision will carry with it weight and respect, and which has decided that, notwithstanding the express declarations of the eminent constitutional lawyer, the boundary found by the arbitrators was a good boundary, and could be supported in a Court; and, moreover, that the highest Court of the realm could support it. (Applause.) He goes on further:—

"Anybody reading the case will see that it was most wretchedly managed on the part of the Dominion. An inferior man, though a respectable man in his way, Mr. MacMahon, was chosen to conduct the whole case, instead of employing the first legal ability in the country, instead of the Minister of Justice himself conducting the case before the arbitrators. The whole case was thrown away—it looks as if it had been deliberately thrown away."

It is a remarkable fact that the very counsel he employed to conduct the case was this same Mr. MacMahon. (Hear, hear.) Now, sir, I have not quoted these opinions purposely to annoy our political opponents or harass their feelings, but simply to show to this Legislature and the people of Ontario that he was not always favourable to doing justice to this Province. (Applause.) I contend that if the Liberal Government of this Province never has any other honour accorded to it than the honour arising from this one act of theirs, they will be endeared to the hearts of the people of this Province. (Hear, hear.) The Government of the Hon. Mr. Mowat has been anxious all along and has persistently urged that Ontario should have her rights, and from the time he took office Mr. Mowat has been persistent in his efforts to protect and to get the rights of the Province. (Applause.) There is another question which has engaged the attention of the people of this Province, and which is mentioned in the Speech. I notice that there are no regrets expressed that

THE RIVERS AND STREAMS BILL

has been disallowed. I don't think that the Dominion Government will disallow that bill again. It is a bill that received very thorough ventilation in this House, and yet the Conservative party has declared it to be of a very undesirable character. Their organs have said that it was a most iniquitous measure; a measure not in the

interests of the people of this Province, although the representatives of the people here—those having the interests of the country at heart and best acquainted with its diversified wants, knowing how much the country depended on the lumbering interest—gave it consideration and said it was designed in the interests of the Province and passed it. (Applause.) It is rather amusing, Mr. Speaker, to read the expressions used by the organs of the Liberal Conservative party. The taunts thrown upon the Liberal party, and the opinions expressed by men who profess to pride themselves upon their great knowledge of constitutional law have been numerous, and now surely they are ridiculous. The results of the decision upon the principle of the bill—for it is upon the principle of the bill that the Privy Council has given a decision—are such as to cause unbounded satisfaction to the friends of the Province. (Applause.) Now the newspaper organs inspired by my hon. friend the leader of the Opposition, or rather inspired by a higher authority which also inspired the policy of our friends opposite, says:—

"Mr. Mowat's clearness of vision is an unhappy quality. It enables him, perhaps, to see his impending doom. It did not enable him to see that his confiscation of McLaren's property by the St. James Bill, &c., would be leading to that defeat. If you have not 'clearness of vision' enough to foresee logical conclusions when you open the throttle valve and set the engine going, it is only needless pain to be able to see the inevitable smash-up at the end of the line."

Now, Mr. Speaker, it is pertinent to ask where did the smash take place? Which party met with a catastrophe? Which opinion was correct? The leader of the Government was apparently better posted in constitutional law than the champion of the Conservative Party. (Applause.) The "Mail" says again:—

"It was necessary in order to secure this chance (to make a mark) to assent to a palpable falsehood."

Falsehood is very choice language.

"And agree in round terms to the statement that that had always been the law which the highest court in the Dominion has declared never to have been the law. Indeed, it would have placed him in the undesirable position of aiding and abetting in what the Supreme Court unanimously declared to be an injustice it was impossible to conceive of the Legislature contemplating."

"They (Mr. Meredith and his party) recognize, and it is their sober conviction, corroborated by law and precedent, that a Provincial measure immoral in its nature, untruthful in its allegations, discreditable to the Canadian name, and disastrous to the reputation of Ontario ought rightly be disallowed at Ottawa as contrary to public policy and the public interests."

"We charge Mr. Mowat and his friends with robbing Mr. McLaren, a Conservative, to benefit Mr. Caldwell, a Grit."

"The righteous cause consists of robbing Mr. McLaren to reward Mr. Caldwell."

"It is well known that the third edition of the dooped B. & S. Bill contains the same brand of falsehood on its fore front as those which preceded it. This lies in the declaration not merely that all streams, whether naturally floatable or not, shall hereafter be public streams in law, but that such has always been the law. So palpable an untruth could hardly be allowed to pass without rebuke. Accordingly Mr. Meredith placed on record, &c. It remains for the electors to pass sentence on the culprits."

Well, the electors have passed sentence upon the culprits, and they still occupy the Treasury benches, and the election which took place a day or two ago is another indication that they still have confidence in the Mowat Administration. (Applause.) On February 21st, 1883, the "Mail" said:—

"It is an act of downright robbery and spoliation. But that is not all. The Streams Bill bears on the face of it a palpable lie. It states that to have been the law which four chief justices and ten justices, in decisions ranging over twenty years, have positively declared never to have been the law."

"The cherished purpose of the Hardys and Pardes to rob Mr. McLaren in order to enrich Mr. Caldwell." "So infamous a measure as the Streams Bill has been properly disallowed." "Unjust legislation."

And Mr. Dalton McCarthy speaks upon this question. He is, you know, a leading light of the Conservative party, and he says the Streams Bill is

"An Act that violates the laws of the land, and that violates every principle that underlies the government of every country. They (the Mowat Government) declared that the law of Upper Canada was what it was not."

I think it is well evidenced from this to the people of Ontario that the leader of the Ontario Government has at least a knowledge of constitutional law, and when he expresses an opinion it will be received with respect; that never more will it be asserted that the greatest of Canadian constitutional lawyers has a seat at Ottawa, but that it will rather be found that he is in the Legislature of the Province of Ontario. (Applause.) And that the leader of the Opposition here—who, by the way, is a constitutional lawyer too—is not more worthy of trust than the leader of the Ottawa Government. He had nothing but abuse for the measure and spoke of it in terms perhaps as strong as he could find in the English language, and if he had known any terms stronger in any other language he would doubtless have used them. He said:—

"That the Government proposed that the House should make a declaration that not only

did the right of individuals to use the improvements exist, but that they always did exist. He would challenge the Government to produce evidence of a single instance of a Legislature in the British Empire, any of the colonies, or any of the states of the Union proposing to enact such monstrous views as were contained in the bill now before the House."

On January 16th, 1881, the leader of the Opposition declared that:—

"The Government at Ottawa in disallowing the Act acted wisely and justly."

These were the opinions expressed by the leading lights of the Conservative party, and I am certain that the people of this Province, with respect to this legislation, have great reason to congratulate themselves that this vexed question is settled, and settled in a manner upholding the rights of Ontario. (Applause.) The sixth paragraph refers to a question, I think, that appeals not only to the people of this Province, but has a moral phase, the question as to who has the right to

THE LICENSING

of hotels and saloons in this Province, I may here say that I believe the leader of the Opposition in this House has always maintained that the Government of this Province had the constitutional right to deal with this matter. He deserves the credit of having expressed strong convictions in that direction, but had his leader—a leader, perhaps, who has more influence over him than any other leader ever had over his subordinates—demanded that he should change his views, he would no doubt have done so as he did before on one occasion after he had honestly and solemnly declared that he must stand by the Government of this Province in securing their just rights under the Boundary Award. This is a question that has created confusion; it is a question that was wholly unnecessary to raise. From the time of Confederation it has been understood that the Provincial authorities had the exclusive control of the granting of licenses, and it was clear that Sir John Macdonald determined upon the course he took, not so much to punish the Province of Ontario as this House, and the Premier of this Government. Once again the leader of this Legislature entered the conflict, and once again has he been successful in his contention. (Cheers.) Now, Sir, it is a question who is going to repay the licensed victuallers, who have been paying their \$15 into the hands of the Dominion Commissioners for licenses. It is true there are two sets of inspectors, that they have been liberally paid from \$450 to \$500 and upwards to carry out an illegal act, contrary to the express opinion that they should only have a nominal amount of remuneration. The Commissioners of Hamilton paid themselves \$150, while under the Crooks Act \$25 or \$30 a year is all the Provincial Commissioners are allowed, which is enough to pay expenses. Now, let us see what Sir John Macdonald's opinion was upon this license question. This is taken from the "Mail" of 1882:—

"But, gentlemen, I tell you as a lawyer, as a constitutional lawyer—and it is with some pride that I say I have never laid down yet, since 1867, a constitutional question which on reference to the highest courts of the realm has not been sustained, and that I have not in one case expressed a constitutional opinion, but that the highest courts in this country and England have sustained my opinion."

These views, sir, were expressed before his opinions conflicted with the opinions of the Liberal Government of Ontario. At Yorkville, the following question was handed to Sir John:—

"What is your opinion of the constitutionality of the Ontario License Act?" Sir John said that since Confederation his decision had often been given, as Minister of Justice, on constitutional questions, and in no single case had his judgment been reversed. He believed that the (Crooks) Act was not worth the paper it was written on. Whenever the Licensed Victuallers brought the matter before the Courts it would be decided that the Act was a usurpation, and had no force whatever, and he was surprised the question had not been pressed long before this. If he (Sir John) carried the country, as he would do, he would tell Mr. Mowat, that little tyrant, . . . that he would get a bill passed at Ottawa, returning to the municipalities the power taken away from them by the License Act. He told Mr. Mowat that he would take the licensing power out of his hands. Mr. Mowat said he had not the constitutional right to do so, and Mr. Mowat has proven himself to be right again in that particular. (Cheers.) Sir John Macdonald said:—

"I never had any doubt that, when the question was brought before the Courts, it would be decided that the different Provincial Legislatures had no right whatever to deal with that subject (licenses), (the liquor traffic), except for revenue purposes, for the purpose of imposing taxation for Provincial or municipal purposes. I expressed the opinion in Parliament years ago, and last year I expressed it at a public meeting in Toronto or vicinity.—Sir John Macdonald in the House of Commons, Feb. 12th, 1883."

It is quite clear to every lawyer, and any man who is not a lawyer, who reads the judgment in the Privy Council in the case of Russell v. the Queen, will see that the very reasons on which the Privy Council decided that this Parliament had the right to deal with the Scott Act are the reasons showing that the Legislature of Ontario had not the right to deal with that subject under the Crooks