

in some way so that they could say to the Liberals, "That can be all arranged. Give yourselves no trouble about that. We have seen Sir John and there is a way out of the question."

Mr. MORRIS—I desire to give as emphatic and positive a contradiction as one gentleman can give another to these base insinuations.

Mr. FRASER—I don't see anything base about it. I think it is quite a proper thing for a gentleman who proposes to form a coalition—

Mr. MORRIS—I did not propose it. (Laughter.)

Mr. FRASER—Well, if he says he didn't form a coalition, I take back that insinuation. I didn't think he was prepared to say that a coalition of that kind would deserve the name he has given to it. However that may be, what I say is that the Leader of the Opposition gave us

#### BUT A HALTING SUPPORT—

inasmuch as if he had united his party, he could have said at Ottawa, "The Ontario Government have been exercising this jurisdiction for 15 or 16 years; they have legislated upon it; they have taken all the revenue; they have appointed all the officials except the judges. Before you bring muddle and trouble into the administration of the law—before you bring about chaos—wait till you get a decision from the Privy Council saying that you have jurisdiction. Or if you pass an Act of Parliament, pass it so that it will come into operation only when it is declared to be *intra vires*." (Applause.) That would have been the course for the gentleman to take if he had not been halting in his support. As to Mr. Bethune's opinion on the question of Provincial

#### JURISDICTION IN LICENSE MATTERS.

if there is anything more than another in this Province upon which the changes have been rung more than other, it is that the late Mr. Bethune was in doubt about jurisdiction resting with the Province. I say that the record proves just the reverse. I say that Mr. Bethune will not be found to have said a single word that indicates the Province has not jurisdiction. (Applause.) But that the only opinion expressed against Provincial jurisdiction was by the hon. leader of the Opposition's then leader, Mr. Cameron.

Mr. MEREDITH—The hon. gentleman knows that Mr. Bethune was against the Province having jurisdiction.

#### MR. BETHUNE'S OPINION.

Hon. C. F. FRASER—I have Mr. Bethune's words here so strongly as to leave no doubt about the matter. When the Crooks Act was being discussed as to jurisdiction on the 25th of February, 1834, Mr. Cameron said:—

The Bill involved in some of its provisions a grave constitutional question to which he was not aware the attention of the Attorney-General had been directed. At that moment there was an application before the courts to quash a by-law of the township of Darlington, which prohibited the issue of more than four certificates to taverns within that township, and the question raised was as to the constitutionality of limiting the number of taverns. By the Confederation Act the Province was entitled to impose license fees for the purpose of revenue, but the Act did not state for any other purpose. It was clearly seen that for the financial purposes of this Province, we were at liberty to impose such a tax upon liquor as should be for the public interests, but after obtaining the license fee it was questionable whether the jurisdiction did not end. Then the Bill was an interference with trade. He found that vessels that were licensed to sell liquor while in motion were prohibited from selling while at the wharf. If the House had merely jurisdiction over this traffic for the purposes of revenue, it had not power to prohibit a vessel from selling at any place where such vessel might happen to be, as that would be interfering with the right of traffic in that which fell under the jurisdiction of the Dominion Government. Whatever the result of the application to quash the by-law he had referred to it is impossible to tell. As it was, a rule nisi had been granted to show cause why the by-law should not be quashed on the ground cited in the application. The Bill presumed to license, and then prohibited the licensed party from selling. It was a question as to whether the Dunkin Act was in force or not. There was no doubt that under the Municipal Act of the old Province of Canada before the Legislature repealed it, they had a right to limit the sale of liquor, but the moment that Act was repealed it left only those powers which were conferred under the Confederation Act.

Then Mr. Crooks said:—

The point raised by the hon. member for East Toronto had been discussed in the United States in reference to the Maine and other laws, and it was decided that it was quite competent for any community to protect itself in regard to future regulations to the extent provided in the Bill. So long as the Legislature did not prohibit entirely this traffic it had a right to protect the health and interests of this Province by any regulations considered expedient. The Bill was simply a re-enactment of provisions which appeared in 22 Vic.

Mr. Cameron then said:—

The Act merely gave them power over tavern licenses for revenue purposes, therefore showing that they had only limited power.

Now Mr. Bethune said—and I am reading from The Mail report, I will quote from THE GLOBE afterwards—

Because the Act of Confederation stated that the Province could issue licenses for revenue purposes, it did not follow that they were confined merely to issuing licenses for that purpose. If they could repeal the Municipal Act of 1866, it was because they had power to pass laws inconsistent with that Act. He referred to, and quoted from, Storey's Commentaries on the Constitution of the United States to show that the Legislature had power to deal with the liquor traffic, and contended that this Legislature had similar powers. He did not assert that the fact of the House passing the Bill would give them the jurisdiction claimed, but he thought nothing had been done that would impair the power the House had asserted by the Act 1853-9. He thought that the Bill did not go far enough. The House had certainly power to keep the liquor traffic within proper bounds. He was told that in this city there were taverns where all kinds of liquor were manufactured from whiskey by the addition of deleterious drugs. It was well known that in some cases *delirium tremens* was the result of the administration of these drugs. He was told that in this city there were places where brandy and gin were manufactured from whiskey by means of drugs. The bottles were imported from England, and the articles put in them. It was very desirable that the Government should legislate to meet this species of fraud. He had in the country come across whiskey of the vilest description. He thought that the Government should enact that the liquor should be subject to analytical examinations, with a view to the destruction of the spurious article. Such an enactment would be a public boon. He also advised that taverns should be compelled to close at an early hour each day in the week. Half the evils of intemperance would be swept away if such a provision were added to the Bill.

That is the entire report of The Mail of what Mr. Bethune said. There is not a single word in it to show that Mr. Bethune had any doubt as to where the jurisdiction rested. Mr. Bethune had strong views on the subject, but they were all in favour of the Province having jurisdiction in the matter.

Mr. MEREDITH—Why does the hon. gentleman say Mr. Bethune had strong views?

Hon. C. F. FRASER—Because these are strong views that I have read. I mean to say that I am surprised to find Mr. Bethune's name quoted in connection with this question, and when the date 1874 was mentioned I decided to look up the matter. Now I will quote from THE GLOBE report. Mr. Bethune said:—

That there was a close analogy between the United States and this country with regard to this constitutional point, and quoted from Storey's Commentaries on the Constitution of the United States to show that the State Legislature had power to interfere in the liquor traffic. He was of opinion that this Legislature had power to legislate in this manner, and said that if they had the right to repeal the Municipal Act of 1866 they had power to pass laws in accordance with that law. He spoke of the extent to which adulteration was carried both in this city and in the country, and of the desirability of having control over persons mixing deleterious liquors of this kind. The next best thing to prohibition was the prevention of adulteration, and he advocated the early closing of saloons every day in the week. This would result in the reduction of the daily drunkenness and crime which were revealed in the Police Court.

So that when the Crooks Act was up for the first consideration and on the important stage of the second reading, Mr. Bethune gave it as his opinion that the provisions of the then proposed Act were within the Provincial jurisdiction. And he did not, at least I know of no time where he has expressed such an opinion against Provincial jurisdiction as has been attributed to him. At some other time I don't say that he did not, and it is only fair to state that I have not searched further than through the debate from which I have read.

Mr. MEREDITH here read from a speech from Mr. Bethune on a subsequent occasion, in which he contended that the Province had not power to limit the number or prohibit the issue of shop licenses. He asked how this could be reconciled with Mr. Fraser's opinion.

Hon. C. F. FRASER pointed out that Mr. Bethune clearly drew the distinction between licensing hotels and prohibiting shop licenses. I am willing, said he, to take up the words altogether, and put them alongside, and say that his opinion is still favourable to Provincial jurisdiction. I think we have settled his position. That may very fairly be called pretty strong opinion. I will now discuss the question which

#### I CALLED ROBBERY,

and to which the hon. leader of the Opposition added a word and called highway robbery. He was going on to make a point when he acted just as a badly-trained dog would if a rabbit crossed a trail which was not altogether good. He left the true trail, if I may keep up the simile, and went after the rabbit. (Laughter and applause.) I thought he was about to make a capital point when he worked himself into a little indignation about highway robbery and turned on me. With a somewhat overpowering indignation he turned to me to tell me that Mr. Blake's opinion was that branch railways should pass into the power of the Dominion and only such as were not at all connected with important lines should be left to Provincial jurisdiction, and that there were not 50 miles