

the Hon. Dr. Schultz, a member, proposed the following resolution:—"That in the opinion of this House a prohibitory liquor law is the only effectual remedy for the evil of intemperance, and that it is the duty of the Government to submit such a measure at the earliest moment practicable."

Dominion or Provincial Jurisdiction.

"Now, sir, I believe, as far as my recollection goes, that that resolution expresses in as few words, and in terse language and clear manner, the object which its promoter had in view, as it was possible to have done by means of any resolution in our English language. Now I have yet to learn, sir, that, while there are many people who believed in that past, and who may believe so to-day, that the jurisdiction over this question rests with the Dominion Government, and while there are a great many other people, too, to-day who believe that the jurisdiction rests with the Provincial Government, I have never yet heard of any man of standing or repute in this country who said that the Dominion Government was devoid of any jurisdiction at all with reference to the liquor traffic. And the Government will hear no such statement from any reputable man, because, beyond the possibility of doubt or question, no matter what the jurisdiction of the Province may have been, it was evident, and is now evident and true, that the Dominion Parliament was seized of jurisdiction, at any rate of some kind, with reference to the manufacture and sale and importation and exportation of intoxicating liquors in this country.

"And, therefore, no matter what case may be brought before the Court of Appeal or Supreme Court, no matter what litigation might be proposed to be sent to the Judicial Committee of his Majesty's Privy Council, at the same time this jurisdiction rested in the Dominion Government, in the Dominion Parliament, and there could have been no excuse whatever for those having the great subject at heart not to make an attempt to crystallize their view into legislation on the statute books of Canada. (Opposition applause.) And so, sir, Dr. Schultz thought, and he brought forward the resolution which I have alluded to.

Mr. Ross' Amendment.

"Now, sir, my hon. friend the leader of this Government moved at that time the following amendment:—"Whereas grave doubts exist"—and I notice in the Hansard report following the words 'grave doubts' the words 'ironical jeers'—"Whereas grave doubts exist, whether, in the provisions of the B.N.A. act, 1867, this House has power to deal with the traffic in intoxicating liquor as a beverage, and whereas the Court of Error and Appeal of the Province of Ontario has referred the case to the Supreme Court"—and now, Mr. Speaker, I am going to

pass over half a generation, and we find that this case which was referred to the Court of Appeal for the Province of Ontario is there yet—"the Court of Error and Appeal in the Province of Ontario has referred a case to the Supreme Court, whereby the relative jurisdiction of the Provincial and Dominion Legislatures over the liquor traffic will be argued; be it therefore resolved, that this House, while not receding from any previous declaration on the importance of a prohibitory liquor law, deems it inexpedient in this House at present to express any opinion regarding the course which ought to be taken by the Government in dealing with this question."

"Now, that was the amendment moved by my hon. friend when the Hon. Mr. Schultz endeavored, in his own way, to bring this question before the Parliament of Canada for a decision, in order that a prohibitory law should be passed; my hon. friend stood in the doorway and prevented the hon. gentleman from bringing in the bill. (Opposition applause.)

"At that time, and I am quoting from Hansard now, my hon. friend spoke as follows:—"In order to satisfy himself that no unreasonable delay would occur by not putting any resolution on the paper this session, he placed himself in communication with Attorney-General Mowat, who had charge of the case on behalf of the Government of the Province of Ontario, which is expected to be referred to the Supreme Court, and which, he thought, would involve the question of jurisdiction. In this correspondence he assumed that it was their intention, in the case which had been appealed recently from the Court of Error and Appeal, to open up the whole question of the jurisdiction of the Provincial Legislature."

From 1877 to 1893.

"Now, sir, this was the attitude which my hon. friend assumed with regard to this question in 1877. Of course there are evil-disposed men in this country, Conservatives and others, no doubt, who have suggested from time to time that my hon. friend's principal object then was to protect the Mackenzie Government, of which he was a supporter, from the possible consequences of any sudden legislation on the great question of prohibition. However that may be, I do not propose to dwell upon that phase of the situation. We shall now, Mr. Speaker, make a long jump from 1877 to 1893. For sixteen long years, so far as my hon. friend was concerned, at any rate, no hand was lifted to abate this terrible evil which has for so long occupied this position in the Province of Ontario. For half a generation in the Province of Ontario the hon. leader of this Government made no attempt to bring about that state of affairs, the desirability of which had been the text of

March 5th 1902.