

### Defines "Little Canadians."

Hon. Mr. Henry's reference in his speech of the evening before to "Little Canadians" was sadly misplaced, said the Attorney-General. "Little Canadians are those who look upon Canada as a colony, and who look upon Ontario as a subordinate state, and who look upon this Legislature as an exalted county council. The true Canadian looks upon Canada as a nation; looks upon Ontario as a sovereign state, and looks upon this Legislature as a sovereign Legislature, a sovereign Parliament."

The judgment issued on Saturday involved the proposition that a judgment of a court could hold up any law of the Legislature on the ground that the constitutionality of the law was to be the subject of litigation. If a judge could do that in respect to the laws of the Province of Ontario, he could do that in respect to the laws of the Parliament of Canada. If he could declare one law unconstitutional, he could declare another law unconstitutional.

### Establish Ontario Senate.

"This decision means the establishment of a by-camera system of Government for this Province, the creation of government of a Senate that will revise our laws," said the Attorney-General. This Senate would not be able to initiate legislation, but practically be able to veto it.

Since he had been in office, said Mr. Raney, no fiat had been refused in any case in which there was any proposition put forward that there was anything to be argued, that is between the plaintiff and the Crown, not between someone else than the plaintiff and the Crown. He read a letter embodying these views, in which he said he agreed with the views of a British jurist that "it is the duty of the Attorney-General not to refuse a fiat unless the claim is frivolous."

W. F. Nickle, Kingston, asked him if he would have granted a fiat if it had been applied for, but the Attorney-General said he preferred not to say anything at all on that—his general proposition covered the question.

### Not "a Little Body."

The question involved in this bill was not dissimilar to the question involved in his Privy Council Repeal Act. After giving some figures as to the greatness of Canada, he concluded: "This is not a little country. We are not Little Canadians. This Legislature is not a little body. I may be called a little Attorney-General. I don't resent that; I do resent being called a Little Canadian."

Wellington Hay, Liberal Leader, referred to the fact that since March 29, 60 bills had been introduced into the House, 50 from the Government side of the House and 44 by Ministers. There had been a great deal of discussion on the legal aspects of the bill that had been put through last week, but what the people wanted to know was if they were prepared to support in the Legislature the proposal to place a 5 per cent. tax on betting. The bill heretofore had been viewed solely and wholly from the legal point of view, and no one that he knew of objected to the tax being levied.

### Hay Supports Measure.

He said he had not had any complaint as to the payment of the 5 per cent. tax. The Legislature had passed the bill, and the Legislature had been practically unanimously agreed that the bill should go through. Exception had been taken to the bill, and the Attorney-General of the Province had asked for a new bill confirming the bill of last week. He, for one, believed that the tax was right last week, and he believed the bulk of the people were behind him. He was prepared to give support to this new bill, hoping that the Attorney-General ought to be willing, in all fairness, to grant to the people who believed they were

aggrieved the right to test out the legality of the legislation passed last week.

After suggesting to the Attorney-General that the proper procedure on the part of his department would have been to submit a stated case to the Appellate Court, H. H. Dewart, K.C., Liberal member for Southwest Toronto, went on to declare that the Attorney-General's measure was an effort to legalize the Province's effort to assume Dominion powers by imposing a 5 per cent. tax, where the Federal statute specifically stated the maximum should be 3.

### His Own Interpretation.

The Attorney-General, said Mr. Dewart, was begging the whole question when he sought now to amend the law and to place upon it his own judicial interpretation. He read from the preamble of the bill, which, he said, showed clearly "that it is the intention to ask this House to amend, construe and reconstruct the measure which came before us last Thursday."

Mr. Dewart declared that no legislation the Ontario Government could pass would change into a direct tax that which was an indirect tax, and therefore one to be applied only by the Dominion. And when the Attorney-General undertook to deny forever the right of the persons affected to contest the measure, he was doing something that no Attorney-General heretofore in the British realm had undertaken. It was in violation of the very principle of the Magna Charta.

### Will Grant Fiat to Bettor.

He paused in his address to ask Mr. Raney if he would grant a fiat, the only recourse left to the Jockey Clubs under the new legislation.

Mr. Raney—Since the member for Kingston has raised that question I have given further consideration to the suggestion. There is no reason that I know of that, upon application being made by a claimant having interests in the matter, a fiat should not be granted, and I will certainly grant a fiat.

When Mr. Dewart pressed for an interpretation of the Attorney-General's concession, however, he was informed that, as a jockey club had no interest in the moneys of a bettor, its application for a fiat would have to be on the point of the right of the Province to compel them to collect. A bettor might secure a fiat in respect of the moneys collected from him. Later, however, he said that the jockey clubs could combine in an application for a fiat with an individual.

Mr. Dewart characterized the Attorney-General's reservation as "loading the dice and expecting us to play with you."

### Attack on Judiciary.

"It is not a question of the supremacy of the Legislature," he went on. "It is a deliberate attack upon the independence of the Judiciary. The question is, 'Shall the Attorney-General, the only lawyer in a Farmer Government, be supreme over the Legislature and over the courts of the Province?'"

"It is a case of dictation by the Attorney-General of an irresponsible Government, who desires to be the supreme lawmaker and sit in judgment upon the courts of the law that interpret the misconceived laws that he enacts."

Mr. Dewart proceeded to show the occasions on which, he said, Mr. Raney's legal opinions had been shown to be fallacious, referring to "last night's surrender" in regard to expenditure for other purposes of moneys borrowed for Hydro.

H. P. Hill, West Ottawa, said that he was quite in favor of the Attorney-General's attitude in levying the 5 per cent. tax. He did not wish to be understood in any way as opposed to the principle of the act. He said, however, that it was always a dangerous matter for the Legislature to declare what was the intention of the law.