

Newfoundland

object would have prevented him, in the absence of consent of the house, from himself being heard. That explanation having been made, and because I felt that possibly there might have been some misunderstanding of the effect of the rules of this house, I asked the house to waive the application of the rule, even to waive the motion that had been put for the second reading of the bill, and to revert to a previous stage so that the leader of the opposition might be heard, not after I had spoken but before. He could not be heard after I had spoken. I think that is exactly what the position is. If the hon. gentleman did not wish to have any courteous waiver of the rules by the house, I am sorry that the circumstances made it necessary for him to have it in order to make the remarks he has made at this stage of the discussion.

Mr. Drew: I was under the impression, from some of the earlier proceedings, that it was someone else who needed to read the rules of the house.

Mr. St. Laurent: It may be. The hon. gentleman is not the only new arrival in this house.

Mr. Rowe: The Prime Minister himself might read them.

Mr. St. Laurent: I do not intend to be led into discussing at this time the whole matter of dominion-provincial relations. The motion before the house is for the second reading of this bill. Other opportunities will be presented when the matter of dominion-provincial relations can be taken up again. On this bill I wish to deal with the pertinent points made by the leader of the opposition. The first one is the undesirability of there being in the terms of union something which appears to many to be a new principle; that is to say, some impediment or barrier to interprovincial trade arising out of the terms of this clause which was inserted in the agreement with respect to oleomargarine. I think I am privileged to refer to the document, since it has been tabled, and I am referring to the document that was tabled and not to the schedule of the bill as such. In the document tabled, term 46 provides as follows:

(1) Oleomargarine or margarine may be manufactured or sold in the province of Newfoundland after the date of the union and the parliament of Canada shall not prohibit or restrict such manufacture or sale except at the request of the legislature of the province of Newfoundland, but nothing in this term shall affect the power of the parliament of Canada to require compliance with standards of quality applicable throughout Canada.

(2) Unless the parliament of Canada otherwise provides or unless the sale and manufacture in, and the interprovincial movement between, all provinces of Canada other than Newfoundland, of oleomargarine and margarine, is lawful under the laws

of Canada, oleomargarine or margarine shall not be sent, shipped, brought, or carried from the province of Newfoundland into any other province of Canada.

Hon. gentlemen will notice with what care this provision was drafted. It provided that the parliament of Canada would not prohibit or restrict such manufacture and sale in Newfoundland except at the request of the legislature of the province of Newfoundland. By a majority judgment the supreme court has now decided that the parliament of Canada cannot prohibit or restrict the manufacture or sale of oleomargarine in any of the provinces. I must confess that one of the reasons given in the majority judgment came to me rather as a surprise. I had assumed that this provision in the Dairy Industry Act was one which related to the subject of agriculture. As hon. members know, parliament and the legislatures of the provinces have concurrent jurisdiction in respect of matters dealing with agriculture. But the supreme court held that this was not a matter related to agriculture, but rather something which was local and private within the province. Consequently it held that the parliament of Canada had no jurisdiction in regard to it. The clause as drafted envisages that the parliament of Canada would not so "prohibit or restrict" except at the request of the legislature of Newfoundland. If the parliament of Canada has no jurisdiction, in that the matter does not come within the clause relating to agriculture in the British North America Act, it cannot do anything at all about it. My view was that if it had jurisdiction, it was because the subject matter related to agriculture, over which both parliament and the legislature would have jurisdiction. As far as I was concerned, I felt that it might be proper, in a matter in which both had jurisdiction, to agree, since oleomargarine had been available in Newfoundland for a long time, that the parliament of Canada would not exercise its jurisdiction unless the legislature of the province requested it to do so.

The term provided in addition that, if this was something over which parliament had jurisdiction, the oleomargarine manufactured and offered for sale in Newfoundland would not be exported into any other of the Canadian provinces, unless the parliament of Canada, having jurisdiction, made it legal for oleomargarine to be manufactured and sold in those provinces. That is the thing that is regarded as setting up a barrier to trade, involving a new principle.

Well, Mr. Speaker, it does not involve a new principle. There have been for many years in the dominion and in the provinces a barrier to the transportation, or to the forwarding from one province to another, of any form of intoxicants. The provinces have