

Newfoundland

asserted their control over the sale and distribution of intoxicants within their respective areas; and under these provincial laws it is an offence, which is sometimes committed unwittingly by Canadians going from one province to another, to have in a province any intoxicant which has not been purchased from the liquor control board of that province. Very recently I was a bit embarrassed by a guest at my own apartment who had an empty bottle that had contained something which would be regarded by most persons as coming within the legal definition of intoxicants, and which had been purchased from the board of control of Quebec.

Under the legislation administered by the leader of the opposition, it has been for a good many years an offence to have in Ontario any intoxicant that has not been purchased from the board of control which operated under the government of which the hon. gentleman was the premier for several years. That was not only something done by the provinces. So that it might be fully effective throughout the whole dominion, in spite of the fact that the dominion has jurisdiction in interprovincial trade, there were introduced into the Canada Temperance Act by a statute of 1916, amended in 1919, the provisions which are now sections 168 and following of the Canada Temperance Act, which is itself chapter 196 of the Revised Statutes of Canada, 1927. That makes it an offence punishable under the terms of the legislation of the parliament of Canada to transport or have in one's possession any intoxicant—and the word is defined by the statute—contrary to the provisions of the laws of the province where the person happens to be. Therefore, in order to make effective this barrier to the trade in intoxicants produced or manufactured in one province and designed to be sold in other parts of Canada, the legislatures of the nine provinces of Canada and the federal parliament agreed in setting up this concurrent system which makes it an offence punishable under the laws of Canada to have anything which is not allowed under what the legislature has seen fit to provide as the regime in the province where it exercises its jurisdiction.

In a general way, since 1919, the Canadian public has regarded that portion of the legislation of the provinces and of the dominion as good legislation. Perhaps I should say that I have heard it is the intention of the government of one province to recommend to the legislature a prohibition against the manufacture and sale of oleomargarine within its limits. There was a report that the premier of Prince Edward Island, in the exercise of the jurisdiction which the majority of the supreme court have declared to be that of the provinces, had said that he was going to

recommend to the legislature of his province that the manufacture and sale of oleomargarine be prohibited.

Mr. Drew: I believe he has already dealt with it by order in council.

Mr. St. Laurent: That may be so. I was not aware that it had come into effect, but I did read in the newspapers that it was the intention to do that.

This matter of where the jurisdiction lies in the sale of commodities that might compete with the produce of the dairy industry may not yet be finally settled. The Canadian Federation of Agriculture is still considering the advisability of applying to the privy council for leave to appeal, and has quite recently asked the Canadian government whether it would not itself assert an appeal. It has been informed that that was highly improper in view of the attitude taken by the government in recommending to this house that there be in future litigation no further appeals to the privy council. Whether or not there will be an appeal has not yet become certain.

When these terms of union were drafted and signed there had been no decision from the supreme court. If hon. members will reread them they will see that they were carefully prepared, to be applicable to any situation that might arise. If the jurisdiction had remained with the federal parliament, or if an appeal to the privy council results in that tribunal saying that it does rest in the parliament of Canada, then term 46 will make it certain that the people of Newfoundland will not be deprived of the right to continue to use a substitute for the butter they do not produce in their island, and which they have been using for so many years. If on the other hand it is decided by the courts that the parliament of Canada has no right to do anything about it, the fact that the government of Canada agreed with the delegation of Newfoundland that it would not do anything about it is not going to cause any harm to anybody.

It may be suggested that there is a difference between intoxicants and oleomargarine. There is. Intoxicants are obviously connected with peace, order and good government in a local way. Therefore it is obvious that those who are responsible for peace, order and good government in a local and private way within a province can be concerned about exercising proper control over the sale and distribution of intoxicants.

Are the manufacture and sale of oleomargarine something about which provincial governments or provincial legislatures are concerned? The majority of the supreme court have said that it is. They have said that it is something of local and private con-

[Mr. St. Laurent.]