

son, or store, warehouse, or keep for delivery, any intoxicating liquor so sent, shipped, brought or carried.

2. Paragraphs (c) and (d) of subsection 1 of this section shall not apply to any intoxicating liquor sent, shipped, brought or carried to any person or persons for his or their personal or family use, except it be so sent, shipped, brought or carried to be paid for in such county or city to the person delivering the same, his clerk, servant, or agent, or his master or principal, if the person delivering it is himself a servant or agent."

This section of the Canada Temperance Act has accomplished very little; but if this enactment is *intra vires*, it will be equally so, even if section 2 is struck out, and then it would provide that liquor could not be sent, shipped, brought, or carried into local option territory, and although I have not gone into the matter very carefully, I have not heard that this provision is *ultra vires*.

I have here an extract from a judgment of the Chief Justice of the Supreme Court, in the city of Fredericton vs. The Queen. The beginning of the report is at page 505, vol. 3, Supreme Court Reports, Canada, but this extract appears at page 530, and is as follows:

If the matter dealt with comes within the class of subjects assigned to the Parliament of Canada, I can find in the Act (that is, the British North America Act) no restriction which prevents the Dominion Parliament from passing a law affecting one part of the Dominion and not another, if Parliament in its wisdom thinks the legislation applicable to and desirable in one part and not in the other.

If these words of the then Chief Justice of Canada are correct, I think there is very little danger of a provision such as I am suggesting being declared *ultra vires*. The passing of such legislation would be merely applying to one particular portion of the Dominion a power which Parliament undoubtedly has the right to exercise in respect of the Dominion as a whole. So far as I know, no one has ever taken exception to the judgment of the Chief Justice in that respect. I assume, therefore—my hon. friend, the Minister of Justice, will put me right if I am wrong—that Parliament has the power to enact such legislation as I have suggested. If we are to have prohibition merely during the period of the war, we should make such provision as will enable any provinces or municipalities which have adopted legislation looking to prohibition to establish a further prohibition, if you like, than they were enabled themselves to obtain. That is, we should provide that in such places liquor may not be manufactured or imported. The hon.

member for Saskatoon (Mr. McCraney) suggested that an enactment of but two sections would be sufficient to make this provision, having in regard the case of provinces like Alberta or Prince Edward Island, which have already adopted prohibition. Let me make another suggestion, if it is not amiss. If the Government should provide that such legislation as I am proposing should not take effect until ratified or confirmed by Order in Council, they would be in a position to go carefully into any restrictive proposals that might exist in counties or provinces, and themselves decide whether or not these counties or provinces had gone as far as they could. Another advantage of such a course would be this: The Government would be enabled to consult the county or province before bringing the legislation into force; they might, if they wished, not pass any such Order in Council until the province in question had requested that the legislation be brought into effect.

It seems to me that the present is the time when this matter ought to be thoroughly dealt with. Notwithstanding anything that may be said, the people of Canada are ready for such legislation as is proposed. They are anxious that we should pass the most stringent legislation in this matter. I believe that the people of Canada will stand by us in the matter of establishing permanent prohibition. The most popular move the Government could make now would be to pass a measure of permanent prohibition for the whole Dominion. If they cannot see their way clear to do that, I hope they will at least see their way clear to giving us prohibition during the war and for a reasonable period thereafter, and that they will see that the license system is not again brought into vogue unless it be approved by the vote of the people. Whether or not we pass legislation for the period of the war, I think it would be well for the Government to consider carefully the advisability of making some enactment, whether by way of amendment to the British North America Act, or by way of prohibitory legislation, applying to the sale, importation and manufacture of intoxicating liquors in all places where the strongest possible measure of prohibition has already been adopted. I trust that I have made myself clear to the Minister of Justice; I submit