

stated already by my hon. friend the Minister of Labour (Mr. King), that, before introducing this Bill, he consulted the Department of Justice, and the Department of Justice assured him that he had authority to pass this legislation. The Minister of Justice (Sir Allen Aylesworth), is a good lawyer; my hon. friend from East Hastings (Mr. Northrup), is a good lawyer. This is not the first time when good lawyers have differed in opinion. Perhaps my hon. friend will permit me to say that when we find the Minister of Justice on one side of a question and an eminent member of the House and of the legal profession on the other side, it will be safer for us to follow the view of the Minister of Justice. If the Minister of Justice is astray in his opinion, and, following that opinion, we pass legislation which is beyond our authority, the worst that can happen will be that the manufacturers of matches who, my hon. friend says, would be oppressed by that enactment, will not obey it, but will go on manufacturing, as they are doing to-day,—that is, the Bill will be a dead letter. But what are we to do when eminent members of the legal profession differ? I think we can safely trust to the legal advisor of the government and the House, until his opinion is set aside by the courts of law. In the opinion of the Minister of Justice, if it has been properly stated, we have the power to pass this law. But my hon. friend (Mr. Northrup), as a member of the legal profession, will agree with me that no legal opinion should be criticised unless we have it in writing before us. If the opinion of the Deputy Minister of Justice has been correctly stated, that we have jurisdiction in this matter, because this is a proposed law for the good of the country, I can only say that, that does not commend itself to my judgment. But for other reasons, I think the hon. Minister of Justice is quite correct, and in this respect I differ with my hon. friend. This is a Bill to prohibit the manufacture and importation of matches made with white phosphorus. We have discussed simply the prohibition as to manufacture. But, if it be the opinion of the people of this country that the use of matches manufactured with white phosphorus is injurious to health, the power to prevent the importation of such matches must reside somewhere.

It either resides in the Dominion parliament or in the local legislature. Now, my hon. friend will not differ with me when I assert that the power to prohibit the importation of matches resides with this parliament, and does not reside with the local legislatures. So far, therefore, we have jurisdiction in this parliament to prevent the importation or manufacture. That is enough to give us jurisdiction here. Later

on in the Bill we shall have to consider whether we can prevent the manufacture as well as the importation. It seems to me that if we have power in this parliament to prohibit the importation of matches, therefore we have in this parliament power to say: You shall not manufacture matches in this country. It seems to me that the authority to prohibit importation carries with it the authority to prohibit the manufacture. At all events, I would take that ground. But I will go a step further. My hon. friend has stated that whilst we have jurisdiction in this matter on all matters of trade, the manufacturer is not a trader. Well, my hon. friend will agree that this is a very technical view to take of the matter. It is true, he says, that the manufacturer becomes a trader when he sells. But let me observe that the manufacture is made to be sold, the manufacturer has no other object than to sell his goods; therefore, if that is the object of his business, he is a trader in the broad sense of the term. The manufacturer being certainly a trader, therefore we have power in this Bill to regulate this operation of making matches. My hon. friend said, also, that we could not consider the question in this way, because, whilst we have power to regulate trade and commerce, this is a law to regulate a manufacture. It is simply a law to prohibit the manufacture of matches in a certain way. This also seems to me highly technical. It is very true that the object of the law is to prevent a certain kind of manufacture, but it is also true that it is a regulation which would compel the manufacturer to use certain ingredients instead of others, and would prohibit him from manufacturing them with phosphorus and force him to manufacture with something else. Therefore, it seems to me that from this point of view, also, the matter is one which comes properly within our purview. The object of the present Bill is to prevent the sale of certain matches, which is enough to give us jurisdiction, and I think that alone would warrant us in passing this resolution. The Bill will come again before us for a second reading, and for my part I shall read again the argument of my hon. friend to see whether my more deliberate judgment confirms me in this view. One other observation upon the merits of this Bill. My hon. friend said that this was a measure which would result in profit to a certain manufacturing company which holds a patent in the United States. But I think that point has been answered already by the hon. member for Leeds (Mr. Taylor), who has said that this company, which has a patent under the laws of Ontario, has not used its patent, and therefore it has lost its power, and we have the right to use the patent. So, on the whole.