

Mr. ARMSTRONG: Then what is it? It is prohibition as far as the province is concerned.

Mr. CARVELL: I have forgotten the exact wording of the clause, but it is to the effect that the importation can be prohibited if the person who is sending it in believes it is to be used in violation of the law. Of course, a wholesale merchant in Montreal sending liquor to New Brunswick would have no hesitation in saying that he did not believe it was to be used in violation of the law, but it would be used in violation of the law just the same.

Mr. DOHERTY: The presumption is that he did, and he has to prove that he didn't.

Mr. McKENZIE: This Government grants licenses for the manufacture and sale of intoxicating liquors, and the government railways collect freight for carrying it to places where the liquor is sold in violation of the law. If my hon. friend wants prohibition, let the Government stop the traffic at the fountain head. Do not let the current go into the province and then try to stop it.

Mr. J. E. ARMSTRONG: I am satisfied that the provinces have the power to prohibit so far as the manufacture, sale and use within the province is concerned; there is no question about that. The Minister of Justice supports me in that position, and with his consent I will place on record a few questions which I asked him on the subject only a few weeks ago.

Mr. ROSS: The late Provincial Secretary takes the opposite view entirely. He says that the provinces have no power to prohibit the manufacture and sale.

Mr. J. E. ARMSTRONG: There is no question that the provinces have power to prohibit the manufacture and sale of liquor for use within the province.

Mr. ROSS: The late provincial secretary says not.

Mr. J. E. ARMSTRONG: My letter to the Minister of Justice was as follows:

Dear Mr. Doherty:—

I would greatly appreciate if you would advise me as to whether any province in the Dominion has the power to prohibit the manufacture and sale of liquor within their boundaries.

Further, has any province of the Dominion the power to prohibit the circulation of literature or advertising which has the object of promoting the sale of liquor to its people?

Is the Dominion Government prepared to prohibit the importation of liquor into any [Mr. Carvell.]

province that has passed an Act prohibiting the manufacture, sale or use of liquor in that province?

The minister replied:

Ottawa, August 1, 1917.

Dear Mr. Armstrong:—

Replying to your letter of the 20th ultimo, I beg to say that in my opinion there is absolutely no question of the right of a province to prohibit the sale of liquor within its boundaries. As regards the manufacture, the Privy Council has never given a categorical answer to the question. This much, however, may safely be said, that it is within the power of a province to prohibit the manufacture when the conditions under which it is carried on are such as to make it a matter of local concern in the province.

In reply to your second question, in my opinion, the province has the power to prohibit the circulation within its limits, of literature or advertising which has the object of promoting the sale of liquor to its people.

In reply to your third question, the Dominion Parliament, at the instance of the Government, has already passed legislation prohibiting the importation of liquor into any province, to be therein used in violation of the law of that province. The effect of this is that it is a violation of the Dominion law to send liquor into a province to be sold therein in violation of the law of that province. And without further legislation on the part of the Dominion, if any province chooses to prohibit any other method of dealing with liquor than the sale thereof, as for instance, the use of it for beverage purposes, it will then be a violation of the existing Dominion law for any one to send liquor into that province, to be dealt with in violation of any such law.

The practical result is that any province that wants to prevent liquor being sent into it for use as a beverage, can attain that end by prohibiting the use in the province of liquor as a beverage. Such a prohibition on their part will produce the result that under the already adopted Dominion law, it will be an offence to send liquor into the province to be used as a beverage.

Yours sincerely,

Chas. J. Doherty.

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Ottawa.

Surely the statement as made by the Minister of Justice is sufficiently plain.

Mr. CARVELL: Speaking with a cursory knowledge of the law of Ontario, I should say a man could keep a certain amount of liquor in his house for beverage purposes.

Mr. J. E. ARMSTRONG: Any man?

Mr. CARVELL: There is no limitation at all. If a man in the city of Ottawa for instance wants to send over to Hull and get a case of whisky—

Mr. MARCIL: They do it every day.

Mr. CARVELL: Is there anything in this law to prohibit him from doing it? As long as he wants it for his own use?