

parliament had no right to prohibit the manufacture and sale of margarine within any province. So, as I say, I regard this Bill as being, in effect, an amendment to that part of the Act which was held unconstitutional. Since the delivery of the Privy Council's judgment eight provinces have decided to permit the manufacture and sale of margarine within their boundaries. The other two provinces, Quebec and Prince Edward Island, have decided not to permit this. Now, if they have the right to make that decision, what is the objection to our passing a law to implement the provincial legislation?

Hon. Mr. Hugessen: Why should we do that?

Hon. Mr. Bouffard: Why not? Why should the province of Quebec, for instance, have to organize a whole staff of employees to search the border between Quebec and Ontario in an endeavour to find what persons are bringing margarine into Quebec?

Hon. Mr. Euler: Let the province enforce its own laws.

Hon. Mr. Bouffard: It cannot.

Hon. Mr. Euler: Why not?

Hon. Mr. Vien: My honourable friend is arguing for something contrary to section 121 of the British North America Act.

Hon. Mr. Bouffard: I understood very well the argument of my honourable friend from De Lorimier (Hon. Mr. Vien), and I shall come to it shortly, but in the meantime I wish I might be allowed to develop my own point. I cannot see why the federal government, which has a large staff of employees in the Customs and Excise services, should not help Quebec and Prince Edward Island in their efforts to prevent margarine from coming into those provinces. No one could object to that.

Hon. Mr. Hugessen: There is a great deal of objection to that.

Hon. Mr. Bouffard: Well, I cannot see why. That is where my honourable friend and I differ. This bill would empower the federal government to prohibit the shipping of margarine from one province into another. At the present time if an Ontario manufacturer, wholesaler or retailer sends margarine into Quebec, there is no law under which he can be punished, for he is not subject to the law of Quebec.

Hon. Mr. Gouin: That is right.

Hon. Mr. Bouffard: If we in this parliament want to help Quebec and Prince Edward Island to have their laws against margarine respected, we can only do so by providing

penalties for persons who send or take margarine into those provinces. Everyone knows that Quebec itself has passed a law prohibiting the importation of margarine into the province for sale, and also the sale of it within the province, but a province cannot fully enforce such a law unless there is a federal law or regulation against importation into that province. A company in Ontario or in any other part of Canada where the manufacture and sale of margarine are permitted knows it cannot be punished for shipping or attempting to ship margarine into Quebec or Prince Edward Island, and so it is likely to do all it can to carry on such business.

Hon. Mr. Hugessen: You are suggesting that a federal statute should provide penalties for persons in Ontario who violate a Quebec law.

Hon. Mr. Bouffard: I say that every province has an absolute right to prohibit the manufacture or sale of certain products within its boundaries. What objection is there to the federal government helping each province to maintain its own rights? Why should parliament stand idly by and do nothing to prevent a manufacturer or retailer in Ontario from shipping margarine into Quebec, when he knows that that is against the law of Quebec? After all, what is the objection to a federal penalty for a man in Ontario who violates a Quebec law? What sympathy should we have for him?

Hon. Mr. Euler: He cannot violate a law that does not apply to him.

Hon. Mr. Bouffard: But it will apply to him if this bill is passed. The senator from Waterloo (Hon. Mr. Euler) pleaded in the Senate and in the other house on numerous occasions for a lifting of the ban on the importation, manufacture and sale of margarine, and at last he succeeded in achieving his object. But it was left to each province to decide whether it would permit the importation, sale and manufacture within its own boundaries. Is he now indifferent as to whether the prohibition against margarine in two provinces is violated or not? Does he think, that a manufacturer or dealer in Ontario, for instance, should be able to ship his product into Quebec, in violation of provincial law, and escape punishment?

Hon. Mr. Euler: My objection is to the proposed restriction on or prohibition of trade between the provinces. That is the essential point.

Hon. Mr. Bouffard: It is not a question of prohibition of trade. The Privy Council decided in effect that every province has the