

*Excise Act*

beer at home. I understand that in some of the provinces instructions have been given by the attorney general not to prosecute in cases where the permit or consent was given. Nevertheless they state that they are not bound by that consent.

I have another question to ask. The minister says that there is nothing in this act to prevent people making choke cherry wine or rhubarb wine or any of the ordinary home made wines in their homes, but a complaint has been made to me that a particular individual served time for having some choke cherry wine that he made at home. He was prosecuted under this Excise Act and sentenced and served his time. I cannot vouch for all the facts, but my informant is reliable and I have no doubt that those are the facts.

Mr. MATTHEWS: I have no information on that particular case. I do not know the name or the address or anything except the facts as given by the hon. gentleman.

Mr. BOTHWELL: May I ask if it is the intention of this act to stop that?

Mr. MATTHEWS: I shall be very glad to look into any case that is reported to me. So far as making choke cherry or dandelion wine is concerned, this act does not deal with that at all.

Mr. VENIOT: Is it allowed under this act?

Mr. MATTHEWS: This act does not touch it at all.

Mr. VENIOT: That is not the point. Is it allowed under this act? Suppose I do such a thing, am I liable to prosecution under this clause?

Mr. MATTHEWS: No, there is no prohibition whatever in this act of what the hon. gentleman has outlined.

Mr. GANONG: I think what happens is that a good many people get their permit in good faith, and after manufacturing the home brew or home made wine the provincial authorities step in and will not allow them to have it in their possession. A good many people have been fined in consequence. They think that the dominion permit gives them permission to have this wine.

Mr. VENIOT: My hon. friend has stated the case in a very concise way. That is just what is happening. I should like to have this matter straightened out. What is the use of a federal permit permitting the manufacture of home made wine if it is com-

[Mr. Bothwell.]

pletely ignored by the provincial authorities? If a federal permit is given, the provincial authorities have no jurisdiction, but a good many people have got into trouble just the same.

Mr. HOWDEN: If the minister is not going to reply I should like to say a word about this matter. I happen to be a medical man; I have occasion to be in a great many homes in the district from which I come, and I know it is quite a general practice in the summertime to make choke cherry wine, rhubarb wine and many other wines. Now if that is an infraction of the criminal code, this is a very good place for us to learn about it. I think we should have an understanding here and now just where the responsibility rests in this matter, and whether it is an infraction of the federal law or an infraction of the provincial law or an infraction of any law at all to have this home made wine in your home. I should be very grateful if someone can give me some information on that point.

Mr. MATTHEWS: It certainly is not an infraction of this act. It may be an infraction of some provincial statute of which I have no knowledge.

Mr. VENIOT: A provincial statute cannot supersede the legislation of this parliament. The province can make laws governing the disposition, but not the manufacture.

Mr. MATTHEWS: I am not responsible, of course, for acts that are passed by the provinces, and I cannot accept that responsibility. All I say is that we are not imposing any restrictions whatever on the making of wines such as have been described.

Mr. MERCIER (St. Henri): The provincial officer comes along and seizes that rhubarb or choke cherry wine that has been made at home. The person who desires to make this home made brew applies to the nearest collector, giving notice in writing of his intention to brew, and receives from the collector a letter of consent. But the provincial officer comes along and the provincial law supersedes that permit given by the collector. The making of wine for family use should be put on the same footing in this act as home brew. I contend that the man who is brewing beer for his private use has a special privilege in this country under section 178, and the man who is making home made wine for family use should have the same privilege. He should not be condemned under the law and have to go to gaol.