

provincial legislation is unconstitutional, he has the right to submit it to the proper court of justice.

Hon. A. K. Hugessen: Honourable senators, I have a particular reason for intervening at this stage of the debate, but before doing so I should perhaps say a word about my personal position in the house.

When my honourable friend the leader of the government did me the great honour some months ago of asking me to act as deputy leader—an honour which any man would be glad to receive—I accepted with pleasure and humility. I did, however, say to him that in taking the position I did not wish in any way to be restricted in my liberty to deal with legislation as I saw fit. I made particular reference to the question of margarine, and I reserved the right to be completely free in the attitude I would take regarding it. I think the honourable leader will agree that that is my position.

I should like to deal for a few moments with section 6 of the bill, and to indicate the effect it is going to have. That section reads:

The Governor in Council may by regulation prohibit

(c) sending or conveyance from any province to any other province or from any province to one or more designated provinces.

of any class of products that is designated by the regulations as being

(i) milk—

and so forth, and it goes on to say that the Governor in Council may, by a regulation made under subsection one, designate any class of products as substitutes for a dairy product.

That, of course, is all very bright and general and, as has come out in this debate, it deals with a great number of subjects in addition to margarine though the debate has largely centred around that commodity. The purpose for which this section was introduced in the bill was most clearly stated, in a very brief discussion in the other place, by the Minister of Agriculture. He was asked about the constitutionality of such a provision in regard to the laws of the provinces. Under the rules of the house I cannot, of course, quote him directly, but I can say that he made it perfectly clear that the federal government intended to act under section 6 only in the case of a province which has adopted legislation prohibiting the use of margarine in that province. So we come down to this admitted fact, that section 6 is designed for the purpose of assisting two provinces which have passed legislation prohibiting the sale and use of margarine. I refer to Quebec and Prince Edward Island.

Let me deal with the subject from a slightly different angle than that from which it has

been dealt with by any other honourable senator. Let me ask the house to deal with this matter from a practical point of view. As you know, the Government of Quebec prohibits margarine; the Government of Ontario permits it. The boundary between those two provinces extends for many hundreds of miles, practically from the confluence of the Ottawa river with the St. Lawrence, up the Ottawa river, to the Hudson Bay; and virtually the whole of the Quebec side of that boundary happens to be in the senatorial district of Inkerman, which I represent in this chamber.

Hon. Mr. Lacasse: We never thought of that!

Hon. Mr. Hugessen: Let honourable senators be frank with themselves. What is the position today in the city of Hull and in the Gatineau Valley? As every honourable senator knows, thousands upon thousands of people from that area come to Ottawa, do their purchasing here, buy a pound or two of margarine in the stores and take it to their homes. It is true there is a prohibition of the use of margarine in the province of Quebec, but it is not enforced, and it would be impossible of enforcement. Now what are we proposing to do by this section 6? We are asked to enact legislation whereby anybody who imports—say by car, from Ottawa—a pound of margarine into the Province of Quebec is to be subject, first, to an investigation by inspectors, second, to confiscation of the margarine in his home if it is found there, third, to a fine of \$500, or imprisonment for six months, or both. That is the prospect which a resident of Hull or of the Gatineau Valley will face if section 6 of this legislation goes through.

Hon. Mr. Bouffard: Why do they not obey the law?

Hon. Mr. Hugessen: Here is another aspect of the proposed legislation. In eight of the ten provinces of Canada the production, sale and consumption of margarine are completely legal. What by this legislation we are asked to do is to make illegal in two provinces what is perfectly legal in the other eight. The resident of Carleton or Russell county can come to Ottawa, buy margarine, go home perfectly happy with his purchase, and consume it. But the man who happens to live across the river, in Hull or Gatineau county, is liable to have his house broken into, his margarine seized, and himself fined and imprisoned. That will be the practical result of this legislation.

Hon. Mr. Dupuis: May I interject a reminder to my honourable friend that during prohibition days the same sort of thing occurred. A man could be arrested on the Hull bridge for carrying liquor in Ontario.