

wanted according to their needs and traditions for the observance of Sunday by the tradesman and by the individual. I may just as well read the amendment with which I am going to conclude these remarks:

That this Act shall not go into force in any province of Canada until its legislature has enacted that the said Act shall apply to such province.

When my hon. friend from Kootenay (Mr. Gallhier) put the question to the Minister of Justice, at the inception of this debate, the Minister of Justice replied that we had the right to make the application of this law in any province subject to its ratification by that province. But I had better give the exact quotation from 'Hansard':

Mr. GALLHIER. Supposing this parliament passed this Act with a clause stating that it should not come into effect in any province until the local legislature of that province had ratified it, would that give a local legislature the power to enact that this measure should be the law in that province?

Mr. AYLESWORTH. I think it would be within the rights of this parliament to declare that this Act shall not come into force in any province until the local legislature of that province has seen fit to adopt it, but it would be a thing absolutely unique and entirely inadvisable.

There we have the admission of the Minister of Justice that we have the power to do this, but that it would be improper and inadvisable to do so. On this point, however, he has revised his opinion because the very principle on which my amendment is based is that which inspired the amendment of the hon. member for St. Mary's (Mr. Piché), which amendment after being first refused by the Minister of Justice, was finally accepted by him. After the minister had said that there should be no difference between the provinces as regards the application of this law because it was criminal legislation, he was brought—and brought very properly—to another point of view. It was pointed out to him that this was only criminal legislation by accident and that since we chose to declare a thing to be a crime which never was a crime before, we ought to take into account the different habits, traditions, and laws of the various provinces and not make the law of general application. The amendment of the hon. member for St. Mary's (Mr. Piché) is either good or it is not. If it is good and is going to be operative, it will not cause any less disturbance in this law than would mine. But there is this great difference between the two. At present the provinces can have only such right to legislate under this Bill as the Privy Council may decide they possess. We do not know how much that may be. It may be much or little. It may be all my hon. friend states; but there is one fact admitted,

and that is that it will not cover such things as fall under clauses 4 to 10. It will only cover what falls under clause 2. That is admitted by the Minister of Justice. How far it will affect matters of trade and commerce nobody knows. The hon. member for St. Mary's (Mr. Piché) says it will not affect trade and commerce. My hon. friend from St. John and Irvville (Mr. Demers) thinks it will. Between the two I may be allowed to remain in doubt, especially when I have the opinion of more experienced lawyers who tell me that the amendment of the hon. member for St. Mary's (Mr. Piché) will not leave the provinces free to legislate on matters of trade and commerce.

The only differences will be in matters of transportation. Let us take it for granted that the province of Quebec will not accept this legislation, what would be the difference? Would that prevent its operation in Ontario or New Brunswick or any other provinces which saw fit to accept it? Whether it be constitutional or not, every province in this Dominion has to day different legislation regarding transportation on Sunday. Every one knows that the Intercolonial Railway does not start its trains from Montreal on Saturday so as not to pass through the maritime provinces on Sunday. It may be that this policy of the Intercolonial Railway is not dictated by any law but that it is simply accommodating itself to the habits and traditions and prejudices. If you like, of the people of the different provinces. If it be possible to-day for the Canadian Pacific Railway to operate their trains without irritating the prejudices or traditions or convictions of the people of Quebec and the maritime provinces and Ontario, as far as railway circulation is concerned, the situation will be no worse if my amendment be adopted. What will be the difference? A train might start from Montreal on Sunday and pass through Ontario in transit just as provided by this Bill, and no more. If the amendment of the hon. member for St. Mary's (Mr. Piché) will hold before the courts, it will enable the Quebec legislature to deal with matters of civil rights and labour. If that amendment be what it is declared to be by the government press of the province of Quebec, it will enable the Quebec legislature to permit a certain amount of labour to be done on Sunday, more than is allowed by this Bill, and hence the railway companies could arrange with that legislature to have more freedom in operating their yards and stations. If the amendment of the hon. member for St. Mary's (Mr. Piché) is good, if it is not a false pretense, if it is not something thrown out in order to deceive the province of Quebec, there is no reason why my amendment should not be accepted. My amendment is not to the effect that this Bill shall not go into force. On the contrary