

the statement of the hon. member for Vancouver Centre. I presumed my knowledge of digging and scratching the soil and of the milling trade was better than that of my hon. friend because he did not seem to think that it was any great waste to burn or to dump these screenings into the lake.

Resolution reported, read the second time and concurred in. Mr. Low thereupon moved for leave to introduce Bill No. 113, respecting grain.

Motion agreed to and bill read the first time.

CANADA TEMPERANCE ACT

Hon. ERNEST LAPOINTE (Minister of Justice) moved that the House go into committee to consider the following proposed resolution:

Resolved, that it is expedient to amend the Canada Temperance Act to provide that if by the laws of the province intoxicating liquor can lawfully be sold only by or under the authority of the province or the government thereof, said prohibition shall nevertheless remain in force as to all intoxicating liquor not belonging to, nor imported, nor sold by or under the authority of, the province of the government thereof.

Motion agreed to and the House went into committee, Mr. Gordon in the chair.

Mr. LAPOINTE: In 1919 this parliament enacted an addition to the Canada Temperance Act, constituting part 4 of that statute. Under that enactment it is provided that when the legislative assembly of any province in which there is in force a law prohibiting the sale of intoxicating liquor passes a resolution asking the Governor in Council to issue a proclamation for the holding of a plebiscite on the question whether the people of that province desire to have the importation of liquor into its territory prohibited, the Secretary of State shall take the necessary steps for the holding of that plebiscite. It is further provided that if the people of the province vote in favour of prohibiting the importation of liquor into such province, then an order in council shall be passed giving effect to that expression of the popular will. Thereafter no person shall import liquor into that province. There was however a proviso that this provision should not apply to intoxicating liquors imported for sacramental, medicinal, manufacturing or commercial purposes; nor was it to apply to any intoxicating liquor which, under the laws of the province or territory in which prohibition might be in force, might be lawfully sold therein.

Many provinces took advantage of that law, among them Alberta, Saskatchewan, Manitoba, Ontario and the three Maritime provinces of Nova Scotia, New Brunswick and

Prince Edward Island. Everything went all right until the three prairie provinces of Alberta, Saskatchewan and Manitoba amended their law and adopted the principle of government control of the sale of intoxicating liquor under the authority of the province alone. But there was some doubt; certain people claimed that inasmuch as the sale of certain liquors was lawful in those provinces the prohibition of importation could not continue.

Sir HENRY DRAYTON: Was not the situation the same in Quebec?

Mr. LAPOINTE: No; Quebec and British Columbia never came under part 4 of the Canada Temperance Act. The case was debated before the courts in Alberta, the province claiming that apart from the liquor imported by the government for

5 p.m. purposes of sale by the province under the law that had been adopted, all other importation of liquor was still prohibited. Private parties however maintained that the change in the law of the province had the effect of withdrawing the province from the provisions of part 4 of the Canada Temperance Act. The question went as far as the appeal court of Alberta and the majority of the court, three judges against two, held that part 4 of the act still applied to all liquors except those imported direct by the province for sale under the provincial act.

Now the three provincial governments of Alberta, Saskatchewan and Manitoba, in order that there shall be no doubt about the matter and that the whole question may be cleared up, have applied for legislation declaring that, notwithstanding that under the laws of the province intoxicating liquor may lawfully be sold, by or under the authority of the province or the government thereof, the prohibition shall nevertheless remain in force as to intoxicating liquors not belonging to nor imported, nor sold by the province. In other words, what is required is merely a confirmation of the majority decision of the Alberta court. It is in order to remove any doubt in the matter that this legislation is being presented to the House; the object is not to change the law but merely to clarify it.

It has been the policy of this parliament during the last few years to give effect to the will of the provinces in this matter, and the three provinces in question are a unit as to the desirability of this legislation. That is the reason for the present resolution.

Mr. LADNER: Does this affect either British Columbia or Quebec?