

be sold to the applicant upon arrival, for which the applicant will pay after it has been taken out of the customs. Is there not some such ancillary federal legislation at present in force?

Mr. ILSLEY: Yes, there is.

Mr. CAHAN: Has the minister considered whether the permission or authorization, because that is what is provided here, to import free of customs duty certain quantities of liquor into provinces in which the possession and consumption of that liquor would be a violation of provincial laws, might not also be a contravention of this ancillary Dominion legislation, concerning which my memory is not very clear at the moment?

Mr. ILSLEY: The hon. gentleman is quite correct; there is a federal statute. If it is a violation of provincial law for the liquor to be in the possession of a person in the province it is a violation of the Importation of Intoxicating Liquors Act for the person to import it into the province. But that does not change the problem a bit, as far as I can see. I have admitted throughout that it may be an illegal thing.

Mr. CAHAN: I have not that statute before me, and my mind is simply reverting to past years when I was consulted about that law which the minister says does exist. I ask the minister if there is an enactment which precludes importation by a private individual into a province where the sale of liquor is controlled by the provincial commission. If so, is it not a contravention of a federal statute as well as of a provincial statute which the minister proposes to assist, shall I say, by this permission contained in this clause? My mind is not clear, but it seems to me there is some inconsistency there which should be carefully considered.

Mr. ILSLEY: Mr. Chairman, that has been carefully considered, and generally speaking the hon. gentleman is right. In answer to the question put to me previously I explained that there is a federal statute called the Importation of Intoxicating Liquors Act, but the importation of liquor ceases to be illegal the moment possession of liquor in the province becomes legal under the provincial law.

Mr. CAHAN: Quite so.

Mr. ILSLEY: And I am proceeding on the assumption, perhaps unfounded, that it will become legal in some of the provinces.

Mr. CAHAN: Then why not so frame your clause and in effect authorize free importation under these conditions through such ports of entry in such provinces as do authorize the possession by private individuals of liquor

[Mr. Cahan.]

which has not been purchased from the provincial commission? I confess that in dealing with this matter from memory, concerning statutes which I have not been considering from day to day as a lawyer in practice does in his own law office, my mind is not clear in respect of it, but it does seem to me that this clause sanctions an inconsistent provision. Furthermore, and doubtless the hon. gentleman has dealt with the criminal law of the country since I have, is it not a violation of **the criminal law of Canada** to violate certain provincial statutes? I know the violation of a dominion statute constitutes an offence under the criminal code, and my impression is that the violation of certain provincial statutes is also an offence under the statute cited. In any event, if the federal statute to which the hon. gentleman has referred is to be violated by one who brings in a flask of liquor containing a quart, we will say, then he is permitting, authorizing, facilitating and inducing Canadians to violate a dominion statute the violation of which constitutes a criminal offence.

Sir GEORGE PERLEY: Mr. Chairman, I am not a lawyer, but as a practical man I have been listening to all this discussion and there seems to be no doubt that the wording with regard to alcoholic beverages is very misleading. The ordinary citizen would consider it an authorization to him to bring in a quart of whisky, and would consider that he could do so legally. The ordinary man does not know all the laws of the different provinces; in fact I do not think the lawyers know them all, and certainly I feel that an ordinary person returning to Canada and reading this provision would consider that he had authority to bring in a quart of whisky, without thinking anything at all about provincial statutes. Apparently the government have made up their minds to put through this provision exactly as it reads; that is what I gather from the discussion to-day, and if that is so, no one can stop them. I do think, however, that some action should be taken by the minister, in the public announcement he will make and also in the regulations, to draw the attention of the citizens of this country to the fact that they cannot bring this liquor into a province that has a law against it, notwithstanding the fact that it is so stated in this provision. I appeal to everyone in this committee if they do not agree that ninety-nine people out of a hundred reading this item would consider that it gave them authority to bring a quart of whisky into this country. As I say, if the government have made up their minds to put this through in this form we