

offender under the Lord's Day Act, which has a somewhat similar provision in it, and it was held by the Supreme Court that unless the Attorney General signed the consent in person the conviction should be set aside. I think this amendment would prove to be very cumbersome in practice.

Mr. MURPHY: I was going to suggest the very same thing, namely, that under this provision it would be possible to have people all over the country apprehended and put in jail and held there until the Minister of Justice could personally deal with each particular case, when it might be found there was no reason at all for the apprehension in the first place. I have no recollection, although I listened to the debate very closely, of any such amendment being suggested from this side of the House, but if there was, I think it must have been in the form suggested by my hon. friend from Guysborough. If not, I should like the hon. member who suggested the amendment to explain what he meant by it.

Mr. McKENZIE: The Prime Minister was good enough to refer to me in connection with this amendment. The suggestion was made by myself to the Minister of Justice on the second reading of the Bill. There was quite a heated discussion in the House on the point that any person might lay an information and have a person arrested for some trivial reason, and I suggested to the Minister of Justice that it would allay the suspicions and fears of a great many people if it were provided that no prosecution could be commenced except with his consent, and Hansard will show that the minister said he would take that suggestion into consideration. That was the suggestion I made. I certainly would not think of proposing that you should go on up to the stage of conviction without getting the consent of the Minister of Justice. This amendment is certainly not what I proposed.

Mr. KNOWLES: Regardless of which side of the House the suggestion came from, I think we all want to see the provision made right. If it is worth the form of an amendment, it is surely worth amending in the best form we can devise. The law recognizes that a man should be preserved and protected against something vexatious. The presumption is that the only vexatious thing would be the prosecution. If the conviction is a just one, no man should be protected against that, and all the Attorney Generals in Canada should not

forbid a judge from registering a conviction where a conviction should be registered; if the conviction be unjust, then we must presume that there will be no conviction, but the jury will say, "Not guilty." The thing on the face of it seems to me to be absurd. The principle is that we should not lead up to a conviction where no conviction is possible; it is those proceedings which cannot end in a conviction that it is desired to protect a man against. Where there is going to be a conviction against a man, he deserves no protection. Therefore, I think the amendment as it stands at present is an absurdity. There is something in what the Prime Minister says, that there might be exceptional cases where it would be necessary that the law should reach out its arm more swiftly than could be done by going to the department at Ottawa. But even to cover those cases it is not necessary that the protection against vexatious proceedings should be withdrawn to the extent of protecting a man only against conviction. Surely it is not the intention of this legislative body to say that we are going to allow all the vexatious proceedings of a trial to go on when they might just as well be stopped. Therefore, to meet the Prime Minister it is enough to say, that, barring the right of the law to keep a man under supervision or in custody, there shall be no prosecution against him without the leave of the Attorney General. This would avoid all the expense and delay of the preliminary proceedings. On the face of it, whichever ground you like to stand on, I think the amendment is an absolute absurdity.

Mr. R. B. BENNETT: But in the other way: "No trial shall be proceeded with until, etc."

Mr. KNOWLES: Yes, something along that line, although I do not see much need of the amendment at all. It would be better, I think, to leave it to the local Crown Prosecutors, and the agents for the Attorney Generals. It seems to me it would be very cumbersome to have to come to Ottawa for consent to proceed in these cases. I think the amendment should be redrafted, even from the standpoint of the Prime Minister.

Sir ROBERT BORDEN: I cannot agree with my hon. friend at all. I think he is conjuring up imaginary difficulties. For the reason I have already mentioned, it would be impossible to accept the section suggested by the hon. member for North Cape Breton and Victoria (Mr. McKenzie)