

create a doubt. However, at this time I will only repeat that it pleased me very much to hear what fell from the lips of my honourable friend about James G. Gardiner, for in my opinion he is the best Minister of Agriculture the country has had.

**Hon. A. K. Hugessen:** Honourable senators, I should like to refer for a moment to a remark made by my honourable friend from Ponteix (Hon. Mr. Marcotte), that a wrong is involved in a right. I have no objection whatever to the principle of the bill, but I find something at the end of it which I think is wrong and to which, not only as a member of this house, but as a lawyer, I should direct attention. Section 4 of the act is to be amended by adding a subsection which reads thus:

(2) In any prosecution for an offence under this Act, the act of omission complained of, in respect of which the prosecution was instituted, shall, unless the accused proves the contrary, be deemed to relate to the marketing of an agricultural product in interprovincial and export trade.

In other words, this subsection violates the good old British principle that a man is innocent unless he is proved to be guilty. My honourable friend from Westmorland (Hon. Mr. Taylor) said that this section had been approved by various Attorneys General and by the Minister of Justice. I do not care how many Attorneys General or how many Ministers of Justice approved it. I think it is wrong. The further explanation which he gave was that it might be difficult for one of these provincial boards to prove in a prosecution that the defendant was doing something which related to interprovincial and export trade. Now, I have never before heard it set forth as an argument in connection with a criminal offence that it should be made easier for the prosecution to prove the commission of the offence just because it would be difficult to obtain a conviction otherwise. It seems to me that if there is a prosecution under this section it should be perhaps a little more difficult for the prosecution to prove, say, that a sale has been made to another province. I do not know why in this bill, introduced at the last stage of the session, we should incorporate the vicious principle that a defendant is presumed to be guilty unless he can prove his innocence. For the life of me I cannot understand it, and I am afraid that unless this section is stricken out I shall have to vote against the bill on second reading.

**Hon. Mr. Davies:** Is this the section which was amended by the House of Commons last night?

**Hon. Mr. Hugessen:** No. It was the previous one that was amended by the striking out of a few words. My honourable friend from

Ottawa (Hon. Mr. Lambert) tells me that the House of Commons did not discuss at all the subsection which I have just dealt with.

**Hon. Mr. Taylor (Westmorland):** Honourable senators, as I have said before, I am not a lawyer, and therefore I am not competent to discuss this legislation from a legal point of view. I would point out that it would be very difficult for an informant to prove a violation of a regulation, and in many cases it would be impossible—

**Hon. Mr. Hugessen:** Why?

**Hon. Mr. Taylor (Westmorland):** Because he would have no knowledge of where the product goes. Only the processor or the man who purchases it and transports it can prove where it goes.

**Hon. Mr. Hugessen:** Then the only thing to do is summon the processor as a witness and ask him.

**Hon. Mr. Taylor (Westmorland):** As I say, I cannot argue this from the standpoint of law, but I do know that quite a number of bills with provisions similar to this have been passed. We all recognize the force of the suggestion made by the honourable senator from Inkerman (Hon. Mr. Hugessen) and I know that many people do not feel they want to break away from the old British tradition of justice. I appreciate that sentiment, but I am considering this in the terms of the workability of the boards functioning under this act.

**Hon. W. D. Euler:** Honourable senators, I am neither an agriculturist nor a lawyer, but I rise to ask a question and get some enlightenment as to whether this bill means what I think it may mean. I quite agree with the argument presented by our colleague from Inkerman (Hon. Mr. Hugessen), but I would like to point out that two or three years ago, on the very last day of the session, there was introduced in this chamber, a bill affecting the Department of Agriculture, making it possible for the minister to prohibit the carrying of a product from one province into another. That bill went through over the protest of a number of us here. At the next session I introduced a bill to repeal that particular provision, and the Government consented and the provision was repealed. It may be that I am entertaining fears unnecessarily, but would the measure now before us interfere in any way with the right of any producer in any one province to ship his goods into another province? If it would, I am opposed to it.