

of the province. Safeguards should be thrown around the prosecution of some poor man who might innocently use a handful of this seed for something else. There is no limit; a handful is just as bad as twenty bushels. If you are going to send him to court, we should have the assurance in the first place that it would be a competent court and in the second place that no person for spite could bring a prosecution against his neighbour except upon leave of the attorney general of the province so that there will be certain safeguards thrown around these cases.

Mr. MEIGHEN: The hon. gentleman is afraid that if a case of this kind come before magistrates they will not understand that the words "not exceeding \$1,000" permit them to fine less than \$1,000 or that the words "not exceeding twelve calendar months," permit them to impose a penalty of less than twelve months. I do not think we have any magistrates of that kind in our western provinces and this only applies where there are unpatented lands. They all understand that the maximum penalty means the maximum penalty. It is true that they sometimes go wrong but they would not be likely to violate the A B C of the Act in that way. The very case which the hon. gentleman refers to, in Saskatoon, instead of showing that they did not understand the law, showed that they did in that respect at least because the punishment although high, was not the maximum at all. However, as to whether these cases should go before judges or not, I really think it is better to have them disposed of summarily. If they are disposed of summarily before a magistrate, there is the same right of appeal if there is any doubt about the conviction as in other cases of summary trial. They can go before a county judge by the simplest possible procedure, so that that safeguard rests in the Act as it stands now. It would mean very considerable expense if a man were required to go before a court higher than that of a magistrate's court; whereas if he goes before a magistrate and then applies for a right of appeal, the same law applies as in almost innumerable other cases of a like kind. It might be well, in view of the fact that this might be open to abuse on the part of perhaps a spiteful neighbour to guard against that. Under any wording of the law that you can conceive of a man might possibly find a fictitious offence on the part of somebody against whom he had a spite. In order to enable any person to begin a prosecution, it might be well to make a proviso

[Mr. McKenzie.]

that no prosecution should be entered except on the authority of either the Minister of the Interior or the Attorney General of Canada. It would not be a good principle to place it in the hands of the Attorney General of the province because the facts are known here.

Mr. McKENZIE: All criminal prosecutions are under the control of the province.

Mr. MEIGHEN: Not prosecutions for offences created by Acts other than the Criminal Code. In case of the violation of the Lord's Day Act prosecution has to be authorized by the Attorney General of the province but it is the only case that I know of. Prosecutions for violation of the Military Service Act require the consent of the Attorney General of Canada. Why—because it is Canada that is interested. It is Canadian money that is being advanced.

Mr. McKENZIE: It is immaterial to me. The Minister of Justice is perfectly satisfactory to me.

Mr. MEIGHEN: It would really work better with the consent of the Minister of the Interior because he is the minister, if anybody, who will prosecute. Nobody else should prosecute.

Mr. McKENZIE: My objection to that would be that a man is in his own household, so to speak. It is the Department of the Interior that is interested. I want to get to an independent source. The Department of the Interior is concerned. I would like to see an appeal to the Department of Justice.

Mr. MEIGHEN: I have no objection at all to an amendment and I would suggest this: Provided that no prosecution under this section shall be entered except upon the written consent of the Minister of Justice.

Mr. ROBB: Does the minister still insist upon imprisonment?

Mr. MEIGHEN: Yes.

Mr. ROBB: I suppose the minister is making provision largely for new settlers coming in. They would not have more than 160 acres, or a quarter-section each. Under ordinary conditions the settler will not pay more than \$500 for all the seed he will buy. It may be said there is a probability that the man will sell at half price, but there is no incentive for him to do so. Why give authority to impose such a heavy fine, and to imprison the man for a year? It is the Minister of the Interior who is