

but I may say no one has written or telephoned me to say that he objected to this bill. We are capable of forming our own judgment and do not have to follow the wishes of another place, but I may point out that not a single person in another place opposed this measure.

This industry is centred in Toronto, so I can quite understand the attitude of my honourable friend from Toronto-Trinity (Hon. Mr. Roebuck). He may feel that these people will be out of a job. But it must be remembered that the plates come from the United States and are censored in New York. I think it is about time we Canadians set up our own censorship. If the province of Ontario does not want to enforce this legislation, it does not have to, because it is the Attorney General of each province who enforces the law. For instance, there are laws against lotteries; but if the Attorney General of Manitoba says that we can have a lottery in that province, to raise funds for Christmas cheer for the poor, nobody can prevent the lottery.

Hon. Mr. Roebuck: Does my honourable friend contend that the Attorney General is under no obligation to enforce the criminal law of the country?

Hon. Mr. Haig: He is his own boss.

Hon. Mr. Roebuck: It is easy to see that my honourable friend has never been an Attorney General.

Hon. Mr. Haig: The Attorney General is his own boss. He has to carry out the law, but if he decides that a certain matter does not come under the law, that is another thing.

Hon. Mr. Euler: I am not a lawyer, but I should like to ask the honourable leader opposite (Hon. Mr. Haig) a question. If I go into a store and find one of these so-called crime comics, and disapprove of it, can I lay a charge against the person selling it? Can I lay such a charge as an individual without resorting to the Attorney General of the province?

Hon. Mr. Haig: I think you have got to resort to the Attorney General.

Hon. Mr. Roebuck: No, you have not.

Hon. Mr. Haig: All right. Even supposing an individual had the right to lay a charge, he would not take the trouble to do it.

Hon. Mr. Lambert: You do not know Toronto.

Hon. Mr. Haig: Perhaps I do not know Toronto, but I know something about this province, and I do not think this amendment represents the viewpoint of the whole of Ontario—or even the city of Toronto.

Hon. Mr. Beaubien: What is the proposed amendment?

Hon. Mr. Roebuck: It is not before us yet.

Hon. Mr. Haig: It is not before us, but my honourable friend from Toronto-Trinity (Hon. Mr. Roebuck) has told us what it is. I am quite willing that the bill be referred to committee, but I just want to say that I do not want the statement of my honourable friend (Hon. Mr. Roebuck) to go unanswered. It is a difficult matter for the Crown officers to prosecute once a loophole is left in the Act. The Minister of Justice made it clear this morning that he would want this kind of law if he were to ask the Attorney General of the province to prosecute these offenders.

Hon. P. R. DuTremblay: Honourable senators, we are all in favour of what this bill aims at, but there is a principle involved in this legislation that is difficult to follow. Under British law no one can be convicted of a crime without a fair trial.

Hon. Mr. Roebuck: Hear, hear.

Hon. Mr. DuTremblay: Even if he is a known murderer, he cannot be found guilty without first having a fair trial. That is his right.

If this bill is passed the Crown will not be obliged to prove that an accused person knowingly broke the law; the only thing necessary to prove will be that the accused made, printed, published, distributed, sold or had in his possession a crime comic. The distinction between a person guilty of a criminal act and an innocent person is intention, and surely a man who without knowledge does any of the things prohibited by section 207 is not a criminal. It seems to me that this section might create in Canada the kind of thing they had in England long years ago, in the days of the Star Chamber, when people were convicted of doing things that they knew nothing about. And in France, in the old days, many entirely innocent persons were sent to jail by *lettres de cachet*. The adoption of any such principles in this free country today would be a backward and unfortunate step. Another bill that we had before us this session denied to company representatives certain rights that have long been established under the criminal law of Britain and of this country, and which have become principles of our criminal law.

It has been said that unless the law is amended as proposed by the bill, it would be difficult to obtain convictions. Well, that is no excuse for denying to persons charged with distributing or possessing a crime comic the protection afforded to persons accused of any other class of misdemeanour or crime, even murder.