

The MINISTER OF INLAND REVENUE.
If we find a still in a house or a shed the persons who own the place will tell the officers that they do not know what use it was for, and then when they are told that its possession exposes them to a penalty, they will say that some enemy of theirs placed it there. In the eastern townships and along the boundary line there are a great many people who call themselves pedlars and who sell American tobacco, but if we had to prove that they smuggled that tobacco we would often find it hard to obtain a conviction. I do not consider I am exposing innocent persons to punishment, but it certainly seems that every one of those acts prohibited by clause 21 is of such a fraudulent nature that the Crown should not be compelled to prove that there was an intention to commit a fraud.

Sir CHARLES HIBBERT TUPPER.
The last observations of the hon. Minister seem to show that this clause is most dangerous. He says that the mere fact that they do it is evidence of fraudulent intent, but he does not wish to prove the fraudulent intent in a court of law.

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No.

Sir CHARLES HIBBERT TUPPER.
It does seem to me that this is a most dangerous provision. It would be easy for the department to obtain a conviction if the hon. gentleman's clause were adopted, but that is a very dangerous reason for adopting this kind of legislation. It puts the public in a position that I do not think they occupy in any other country in connection with such legislation. The law has hitherto made the Crown prove the fraudulent intent, and it seems to me that that is the line on which all such legislation proceeds in any civilized country. The hon. gentleman speaks of pedlars. He wants to get after some pedlars. In the case of *Queen vs. Dart* in Nova Scotia, the result of the executive action in that case was to put pedlars in a terrible position. A pedlar was shot and killed, and the man convicted of killing him was allowed to go at large by the exercise of the clemency of the Crown, and I believe that the only two other pedlars who happened to be abroad in the county took the first train and left it, if not the province. Now, the hon. gentleman intends to punish pedlars who happen to have done a certain act, even when he is unable to prove fraudulent intent and even if there be no fraudulent intent.

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How can there be no fraudulent intent? How can that be done without fraudulent intent?

Sir CHARLES HIBBERT TUPPER.
If that be the case, then there is no need to strike out those words. If the mere doing of the thing is evidence of fraudulent

Mr. DAVIN.

intent, then that is all the proof that the hon. gentleman will require, and he need not strike out these words.

Mr. BORDEN (Halifax). If the hon. gentleman will look at clause "d," he will see that if a farmer takes hold of an old flour barrel and uses it for the purpose of taking potatoes to market, he will be liable to a penalty of \$20, under the Act, if those words be struck out. The hon. gentleman is doing away with the necessity of any fraudulent intent, and not simply with the necessity of proving it. It might be desirable to throw the burden of proof on the defendant by some suitable clause, but it would never do to take away the necessity for the existence of the fraudulent intent, and that is what the amendment will do.

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It will be seen that when the Bill was introduced, this did not form part of it, and since my hon. friends on the other side, with their legal knowledge, say that the mere fact is evidence of fraudulent intent, and that no other proof would be required, I would ask that this clause be struck out. I would move therefore to strike out these words.

Bill reported, and read the third time, and passed.

SUPPLY.

The House again resolved itself into Committee of Supply.

(In the Committee.)

Experimental Farm..... \$75,000

Mr. MONTAGUE. Will the hon. gentleman explain any change?

The MINISTER OF AGRICULTURE (Mr. Fisher). I am very glad indeed to give any explanation hon. gentlemen opposite would like in regard to this item. It is one which not infrequently involves some discussion in the House and one which certainly is of the greatest interest to the country. It is one also to which I have myself given a good deal of attention, both before and since coming into office, and yet I must frankly say that I have not yet been able to do all that I hoped with regard to these farms. The work that was going on has been of the utmost value to the country, and I felt that there were other things in my department which needed my own personal attention more urgently perhaps than this work, and therefore I allowed it to continue on pretty much the same lines on which it had proceeded, with one or two exceptions.

I cannot say that there is any definite change in policy, except as regards the Nappan farm. I visited that farm soon after I came into office, and found a condition of affairs there with which I was not at all satisfied and which I did not consider could be continued to the advantage of the