

desirable that the subject matter of the offence under our law should be described as is the subject matter of the offences under provincial legislation. I am disposed to think that, save in so far as there might be difficulties created and interferences with people dealing with liquor of a kind not intended to be covered at all from the temperance point of view, no evil would follow if our law remained as it was. But this amendment makes it more accurate, and as the suggestion came from the source I mentioned, I felt it would do no injury from the point of view of the enforcement of the provincial law.

Mr. J. J. HUGHES: Will this law make it easier for druggists to import liquor than the former Act did?

Mr. DOHERTY: I think not.

Sir WILFRID LAURIER: I think the druggists will say it will.

Mr. DOHERTY: It is not what the druggist is going to say that is going to settle the question. Whether those words are in or not, the man who institutes a prosecution under this measure will have to prove to the court that that liquor was sent in to be dealt with in violation of the provincial law. The first thing he will have to prove, whether the case is against a druggist or any other man, is that the liquor was to be used for beverage purposes, because unless it was for beverage purposes it could not be used in violation of a provincial law. Every man who seeks to prosecute under this law has to establish two things: first, the sending in of the liquor, and second, that it was sent in to be used in violation of a provincial prohibitory law. In order to prove that, he has to establish that the liquor was sent in for beverage purposes. It is not what the druggist is going to say; the man who is prosecuted for bringing in the liquor has to clear himself with regard to what his purposes were.

A section of the Act which we are amending reads:

On any prosecution for the violation of section 1 of this Act the accused person shall be deemed to have known or intended that such intoxicating liquor would be thereafter dealt with in violation of the law of the province into which such intoxicating liquor was sent, shipped, taken, brought, carried or imported, unless he proves that he had good reason for believing that the intoxicating liquor would only be dealt with in a lawful manner.

The burden of proof is on the accused to establish that there was no intent to use the liquor unlawfully. In the second place,

[Mr. Doherty.]

the druggist, whom the hon. members have in mind, is the druggist who receives the liquor in the province. His offence is an offence under the provincial law, and we shall not affect what will have to be proved against him for dealing with that liquor in violation of the provincial law. This law deals with the man in the outside province who sends the liquor. What the druggist says is not going to make any difference in regard to the matter. This man has sent liquor in, he is charged with having sent it with knowledge that it was to be used for unlawful purposes, and it is for him to satisfy the court that he had no knowledge of any intent to use it for unlawful purposes.

Mr. CARVELL: In other words, there might be two offences for the same act.

Mr. DOHERTY: This is to cover the offence of the man outside the province who sends the liquor into that province. That man, of course, could not be reached by the provincial legislation, and it is to reach him that this legislation is enacted.

Mr. CARVELL: That does not affect the man who receives the liquor?

Mr. DOHERTY: No, the province takes care of him.

Mr. J. E. ARMSTRONG: I am sure the Minister of Justice is to be congratulated upon bringing forward this measure. It is a step in advance in the direction of total prohibition in our country. I should, of course, be very glad if total prohibition could be brought about in this country, but the minister assures me that it is not possible at the present time.

Mr. CARVELL: Do you believe him?

Mr. J. E. ARMSTRONG: The subject of temperance legislation has engaged the attention of this Parliament and of the local legislatures for many years. The progress made in temperance reform in Canada has been most remarkable, and the end is not yet. I, for one, will welcome the day when national prohibition will be an assured fact in this country. I represent a district which is strongly in favour of temperance and Dominion-wide prohibition, but they did not send me here to legislate for one district or one province alone, but for the whole Dominion. They know that any province in the Dominion can have prohibition just as soon as the people of that province decide in favour of it, through their provincial legislature. In 1893 the Liberal party promised a plebiscite upon the question of