

to go to police headquarters, and is a salutary warning to them to keep their cars locked.

Right Hon. Mr. MEIGHEN: But the thief could steal the car before the police arrived.

Section 19 was agreed to.

Sections 20 and 21 were agreed to.

On section 22—holder of lease of gold or silver mine defrauding owner:

The CHAIRMAN: An amendment has been offered: page 9, lines 38 and 39, leave out the words "gold, silver" and substitute the words "gold, silver, platinum or other precious metals."

Hon. Mr. DANDURAND: It is a clerical error in the printing of the Bill.

The amendment was agreed to.

Section 22, as amended, was agreed to.

Sections 23 and 24 were agreed to.

On section 25—burden of proof:

Hon. Mr. MARCOTTE: Honourable senators, in reading over this section it strikes me that we are getting away more and more from the principles of British law. You will find in practically every section that the burden of proof is on the accused. There is always a prima facie case. Under the principle of law that no person is guilty until he is proven guilty, you are not able to force an accused person to give evidence in court; but if you put on him the burden of proving that he is not guilty, you can put him into the box and cross-examine him. I think that is going too far.

Hon. Mr. DANDURAND: I am glad my honourable friend draws attention to the general principle.

Hon. Mr. MARCOTTE: I know that it may be desirable to shift the burden of proof in certain cases, but as a rule we should avoid doing that.

Hon. Mr. DANDURAND: The department is trying to avoid it.

Hon. Mr. MARCOTTE: It is not making a very great effort.

Hon. Mr. DANDURAND: We shall see as we proceed.

Section 25 was agreed to.

Section 26 was agreed to.

Hon. Mr. LITTLE.

On section 27—using trade marks of others by trafficking in bottles:

Hon. Mr. HAIG: This section refers to "milk, by-products of milk or other liquid commodities." In the city of Winnipeg there are four dairy companies, and if you return a bottle of one of those companies to another company it will be accepted.

Hon. Mr. DANDURAND: They have an arrangement for clearing. I may say that the milk people have a great deal of trouble about bottles. Recently it was held in the province of Ontario that "beverages" did not include milk. Because of this decision the department is bringing in the amendment to include milk and by-products of milk.

Right Hon. Mr. MEIGHEN: I think it is all right. I am in the milk business.

Hon. Mr. HAIG: I know you are—the City Dairy.

Hon. Mr. DANDURAND: This is done at the request of the dairy associations.

Section 27 was agreed to.

Section 28 was agreed to.

On section 29—offence penalty:

Hon. Mr. DANDURAND: As to sections 29 to 33, my honourable colleagues will notice the explanation given.

The object of these amendments is to provide for uniform punishment and to make the maximum terms greater than, but consistent with, the punishment usually awarded for the offences in question.

The only amendments to these sections are as follows:

Five hundred and eleven—from life imprisonment to "a term not exceeding fifteen years," and the value of the chattel from two hundred to twenty-five dollars.

Five hundred and twelve—from fourteen to five years.

Five hundred and thirteen—from fourteen to five years.

Five hundred and fourteen—from seven to five years.

Five hundred and sixteen—from ten to three years.

In view of the foregoing explanation it is not necessary nor essential to print the repealed sections.

Right Hon. Mr. MEIGHEN: That is O.K.

Section 29 was agreed to.

Sections 30 to 33, inclusive, were agreed to.

On section 34—partial interest; fraud; onus on insured:

Hon. Mr. MARCOTTE: This is another place where you are shifting the onus.