

charge of this law all possible means of suppressing this traffic we are not doing what we should do. We must afford them all possible means of meeting a situation which is most serious, and I know that my hon. friend agrees with me in that regard. Some of the old principles of English law seem to be denied in this legislation. That is true, but still the case is altogether extraordinary.

Mr. BAXTER: I sympathize with the hon. minister, and I would go further. I would not criticize the section that puts the burden of proving innocence upon the accused, because that is practically necessary in certain classes of offence, but I may say that the tendency of legislation is running a little too far towards taking away an opportunity of correcting an error that may be made by the first tribunal. The minister has spoken of the Ontario Temperance Act. I do not know much about it, but I know something about the prohibitory law in New Brunswick which I introduced and put through the legislature. I have bitterly regretted the fact that I put it through, because instances of undoubted cases of absolute brutal injustice have come to my knowledge, where magistrates convicted innocent men, simply because these magistrates were worse than partisans—they were absolutely blind. No man could come before them who would not be presumed to be guilty and condemned as speedily as possible. That is the spirit in which it has been done, and I have always regretted that I ever allowed my hand to be put to anything that deprived a man of the chance of getting justice. At the same time, I do not want to throw any safeguards around criminals, or permit any loopholes of escape for them in legislation of this character. But I want to see enough in the act to ensure that a really innocent man shall not be punished, and we ought to be able to frame legislation that will affect both of these objects, so that an innocent man shall not be tyrannously punished, and yet that a guilty man shall not have too great an opportunity of escape.

Mr. MANION: I may say, in a general way, that I do not want the hon. member for Vancouver South (Mr. Ladner) to accuse me of sympathizing at all with any of the illicit drug peddlers, but I wish to associate myself again, for the reason I gave a moment ago, with my hon. friend for St. John (Mr. Baxter). The minister quoted the Ontario Temperance Act. There are many who think that act has done a great deal of good, but I have certainly seen cases under the Ontario Temperance Act conducted by some magistrates who took exactly the attitude outlined by the hon.

member for St. John, especially in dealing with foreigners. There has been a tendency amongst some magistrates—I have seen it occur—to too quickly accept the word of some police officer and absolutely ignore the word of a foreigner in this country. I personally have a good deal of sympathy for these foreign people who come to the country and wish to become citizens and have become citizens, when some careless, irresponsible magistrate finds them guilty of an offence, practically without giving them a trial. Let me give an instance to illustrate that. I am not speaking without some reason for what I say. There was an instance—and it had to do with this Dominion government—about a year ago, where an excise officer visited a place, and found a little bit of home-made brew of some kind in the man's house. The man's wife was sick in bed, his children were very young, and they were far from any neighbour; yet the excise officer sent out some Royal Canadian Mounted Police officers and had this man brought into the city. In this case I do not blame the magistrates, but I blame the law that permitted this to occur, because the magistrate claimed he could not come to any other decision than the one he rendered. The magistrate convicted him and sentenced him to pay a fine of \$700 which the man could not by any stretch of the imagination pay, and at the same time his wife and children were lying in a shack out in the wilderness. I took up the case with the Minister of Customs (Mr. Bureau) who looked upon the matter in what I considered was the proper light, and ultimately the heavy fine was remitted, and a nominal fine was imposed, because technically the man had committed a crime. We should avoid as far as we can putting on the statute book legislation which, no matter what kind of a crime we are dealing with, too quickly proves the man guilty, and does not give him a chance to prove his innocence in some other court if need be.

Mr. MACDONALD (Pictou): Referring to the proposition of placing the onus upon the accused, and of limiting the right of appeal, from a legal standpoint, of course, it is an extraordinary course to pursue. My hon. friend for St. John said, with reference to the temperance law in the province of Nova Scotia, that the right of certiorari has been taken away. I think it has been taken away in probably every province in the Dominion in regard to the Temperance Act, and I quite agree that cases have occurred where the right of certiorari has been taken and an injustice has been done. We all know the circum-