

judgment it is a proper thing that His Majesty's mails should be used as a means of the violation of properly enacted provincial law. The prohibition of such use was the full extent of the offending section.

Mr. LEMIEUX: Did not the Senate give the right interpretation to that penalty clause? I think that in this House I called attention to the fact that it would be hard to keep the papers in line, that papers like the *Montreal Gazette*, the *Montreal Star*, and all the large dailies published in Montreal could by that legislation be prevented from circulating in the province of Ontario, for instance, unless they gave up the advertising of famous brands. It might be that the provinces would not prohibit the circulation of papers containing such advertisements; but, on the other hand, they might. But now the Senate, full of apprehension, thought, in its wisdom, that such a cruel clause should not be inserted in the Bill. I do not say that I would like to curtail the power of the provinces to prohibit.

Mr. SPEAKER: I regret to interrupt the hon. gentleman, but the Minister of Justice (Hon. Mr. Doherty) has the floor; we are not in committee.

Mr. PUGSLEY: Will the hon. minister explain the amendment?

Mr. DOHERTY: It simply strikes out the clause which made it an offence for anyone to use His Majesty's mail as an instrument for the violation of provincial laws. It is quite true that the hon. gentleman, when the Bill was before this House, pointed out that, if the provinces prohibited a newspaper circulating within the province on the ground that it contained a liquor advertisement, the effect of this legislation would be to make it an offence to use the post office to circulate that newspaper. That would be true, and the circulation would be prevented, not by means of this legislation, but by means of the legislation of the province enacted within its constitutional right. All that this legislation would have done, if it had taken effect, would be to deprive people of the right of using the post office to violate the provincial laws. The effect of striking this section out of this Bill would be this: Suppose a province passes legislation prohibiting the distribution of circulars advertising the sale of liquor, any person will be guilty of an offence who himself circulates, or hires a messenger to circulate, such advertisement, but provided he puts it in an envelope,

puts a stamp on it, and hires the post office to circulate it, he will be an innocent man. That is the effect of the refusal of the Senate to enact this legislation. I cannot say I am prepared to accept that amendment. On the other hand, the Senate has left in this Bill two provisions which are valuable, and, for that reason, I do not propose to ask the House to reject these amendments. Sooner than lose the benefit of these provisions left in the measure, I do not purpose to endeavour—which endeavour I have no reason to suppose would be successful—to induce the Senate to reconsider its action with regard to the amendment nor with regard to another which I will mention later. I purpose to ask this House rather to concur in these amendments. If I should have the opportunity, I shall certainly make a further endeavour to have so reasonable an enactment as was contained in the struck-out clause re-enacted, and give the Senate some future opportunity of reconsidering their action in the matter.

Mr. GRAHAM: Supposing these circulars were mailed in the United States to people in Canada, would the law, as contemplated by the minister, reach the case?

Mr. DOHERTY: Of course, it is not possible for us to enact a law to make it an offence for a man to do anything in the United States.

Mr. GRAHAM: But when it came over here?

Mr. DOHERTY: The law was enacted against the person who used the post office. It was not proposed—and I do not think it would be wise—to exercise a censorship over letters, and have the post office authorities open every letter, on the chance of finding a circular in it. We made it an offence to use the post office for the circulation of liquor advertisements when such circulation is prohibited in a province. In the nature of things, we cannot make it an offence for a man to do certain things in the United States; we cannot reach him. I believe this legislation would have reached a man who, through the medium of people in the United States, used our post office for that purpose, and I understand abuses are perpetrated in that way, to evade the war stamp. Representations were made that people sent in immense bundles of liquor advertisements, and posted them in the United States, because they could be sent for 2 cents instead of 3 cents. The other