

are not as well trained as those in the Department of Finance or in the foreign exchange control board—when, in addition to all that, you put upon a man the burden of proving his innocence, then I am surprised that you have not 100 per cent of convictions. I would ask you, Mr. Chairman, to put the question.

Mr. JAENICKE: Is it not true that the burden of proof may be shifted automatically where certain facts are or should be within the knowledge of the accused or defendant?

Mr. FULTON: That may take place, yes, but not as a rule, where the crown has to prove intent. If the crown establishes a prima facie case the defendant has to answer it.

Mr. JAENICKE: Is it not the case here that where the crown establishes a prima facie case that the offence has been committed the burden of proof is shifted?

Mr. FULTON: My point is that the crown is relieved of the burden of proving intent on the part of the person charged.

Section agreed to on division.

Sections 62 and 63 agreed to.

On section 64—Actions to be commenced within three years.

Mr. HACKETT: I have not expressed any opinion with regard to these penalties but I wish to observe that they are a reversion to the days when a person was assumed to be guilty once charged.

Section agreed to.

Sections 65 to 73 inclusive agreed to.

On section 74—Coming into force.

Mr. MACDONNELL (Muskoka-Ontario): I believe it was when the first clause of the bill was under discussion that I asked whether I might then be allowed to move an amendment limiting the effect of the act, and it was ruled by you, Mr. Chairman, that I should reserve the amendment until this time. I do not propose to speak at any length because I gave my reasons substantially the other morning. I wish to go over them briefly.

The CHAIRMAN: Perhaps I had better read the amendment to the committee. It is moved by the hon. member for Muskoka-Ontario that section 74 be amended by adding the following as subsection 2:

This act shall continue in force for not more than one year from the date of proclamation.

Mr. MACDONNELL (Muskoka-Ontario): I think I am correct in saying that when the

matter was first under discussion the minister indicated that his mind was open on the subject; and although there has been a period in the interval when I feared that it was not open, I am hoping that it might have opened again. Alternatively, I am hoping either that he has become so tired of saying "no" that he will finally say "yes" to this final appeal. I hope that he has not got so used to saying "no" that he does not know how to pronounce the word "yes".

Mr. ABBOTT: There is nothing I like better than to say yes.

Mr. MACDONNELL (Muskoka-Ontario): I should like to go on by saying that I think the minister has said—whether he has said it or not, I am sure he believes as I do—that this should be regarded as an emergency measure. When you have an emergency measure, it is reasonable to treat it as something which in the ordinary course you would review in a reasonable time. I think there is a danger that in these days the abnormal becomes the normal. One gets used to things which a few years ago he would have regarded with absolute abhorrence. But I am not going to deal with that any farther. I am just going to repeat that I feel that this bill should be looked upon as a temporary measure. I appeal to the minister to accept the view that it is reasonable in these days not to put this on the statute books without a time limit, so that within a comparatively short time we may take another look at it. I submit that if the situation has not changed in a year from now—that is what I am suggesting—but if the times are just as difficult, if nothing has happened to change the situation as it is now, then at that time we could extend it.

I wish to put forward again the two or three precedents which I gave. There was the emergency powers bill which we passed in this house last autumn. There is the militia bill which by the sanction of centuries has been regarded as an emergency measure which parliament has brought back to it each year so that it can have the control clearly in its own hands. And then there is another matter. I mention this specially because it has happened since the bill was introduced, and I hope that it may particularly influence the minister's mind. I mention the fact that since the bill was introduced we have had the United States loan to Britain, and I think he will agree with me that at any rate that introduces a situation which possibly, and I might say even probably, may affect the situation so vitally within the next year that if we