

think it is unfortunate that this measure comes to us so late in the session. The Bill is a long one. Many of its clauses are qualifying provisions, but some of them are important. This is a measure which could be very usefully gone over in one of our committees. I do not just know what the effect of certain amendments might be. I draw attention, though, to section 13. This provides for a new offence and is a rather important section. It says:

The said Act is further amended by inserting immediately after section 169A thereof, the following section:

169B. If any two or more persons are found together and they or any one of them have in their or his possession any spirits liable to seizure under this Act, each of such persons having knowledge of the fact of such possession is guilty of an offence and punishable in accordance with the provisions of this Act as if the goods were found in his possession.

That is a most drastic provision. Suppose, for example, A, who never indulges, calls on his friend B, and while they are sitting talking B confidentially says, "Now, this stuff that we have on the table is made by me at home." At that very moment an excise officer comes in. A immediately becomes liable for heavy penalties. Under this section an entirely innocent man might be found guilty. I should like to see some defence of the provision. The explanatory note says:

This amendment is intended to make all persons who are found together with the person committing an offence under subsection 1 of section 169 equally guilty of the same offence if they have knowledge of their companion's possession of the spirits of illicit manufacture or importation.

Hon. Mr. DANDURAND: I have received this explanation from the department:

It frequently happens that several persons are found together in possession of spirits of unlawful manufacture or importation. When faced with individual charges or with a joint charge they invariably connive to have one of their number claim ownership, with the result that the other charges are dismissed. On many occasions to the knowledge of the officers the person claiming ownership is not the real owner, but one who, for a consideration, is willing to take the fall.

The amendment is identical with section 213 of the Customs Act, which reads as follows:

"If any two or more persons in company are found together and they or any of them have any goods liable to forfeiture under this Act, every such person having knowledge of the fact is guilty of an offence and punishable in accordance with the provisions of this Act, as if the goods were found on such person."

Right Hon. Mr. MEIGHEN: I cannot see any distinction between this section and the provision which my honourable friend has just read from the Customs Act. It seems to me at the moment that the two sections are

Right Hon. Mr. MEIGHEN.

equally bad. I realize, though, the difficulties that officers have when, believing several persons to be guilty, they can charge only one. But proof of guilt is essential before a man can be held as a criminal. It is going pretty far to assume that a fellow is guilty if caught in such circumstances as I referred to a few moments ago. I presume that if this section is passed everybody will have to run out of a place as soon as any liquor is mentioned. If it is of any interest to honourable members of the House, I think we may safely assume that the persons liable under this section are always poor men, not big interests.

Section 19 also is undoubtedly important. It provides penalties for violating provisions of the Act and regulations. The explanatory note says:

This amendment is intended to provide a complete and graduated penal section to enforce the provisions of the Act and the regulations made thereunder respecting all alcohols that might be used for beverage purposes.

I do not say the section is wrong, but it is very drastic. Of course, I realize that drastic provisions are essential in cases of this kind.

Hon. Mr. DANDURAND: We might pass this Bill and give it a trial in actual practice. If it results in abuses we can correct them next session.

Hon. Mr. QUINN: The honourable gentleman may himself be a victim.

The motion was agreed to, and the Bill was read the second time.

### THIRD READING

Hon. Mr. DANDURAND: Honourable senators, with leave, I move that the Bill be now read a third time.

The motion was agreed to, and the Bill was read the third time, and passed.

### SPECIAL WAR REVENUE BILL

#### FIRST READING

A message was received from the House of Commons with Bill 120, an Act to amend the Special War Revenue Act.

The Bill was read the first time.

#### SECOND READING

Hon. Mr. DANDURAND: Honourable senators, with leave, I move that this Bill be now read a second time.

The motion was agreed to, and the Bill was read the second time.